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THE STORY OF OUR INNS OF COURT

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THE STORY OF THE INNS OF COURT

AS TOLD BY

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INTRODUCTION

INTRODUCTION

THE four Inns of Court—The Inner Temple, The Middle Temple, Lincoln's Inn and Gray's Inn—constitute a legal university, and so to speak, compose its four colleges. They are grouped together in a strip of territory which is surrounded on the east by the Old City of London, on the west by the City of Westminster, on the south by the River Thames, and on the north by streets and lanes of Holborn. The Inner and the Middle Temple run northwards from the Thames Embankment to the Strand. Lincoln's Inn abuts upon Chancery Lane which connects the Strand with High Holborn. Gray's Inn's principal gate opens to the busy thoroughfare of High Holborn. This book is designed to outline the origin and growth of these four institutions and to give the reader some general idea of their traditions and their aims.

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The curious philosopher who visits these four Inns of Court and finds them collected in this narrow area, occupying noble buildings of various degrees of antiquity, is puzzled by the unique phenomenon which they present, and is tempted to ask many searching questions about their history, and about their relation to the legal profession and to each other. Some of these problems do not admit of a precise solution ; but an attempt will be made in this introductory

chapter to give some response to the following questions: When did the Lawyers of England acquire the sites of the present Inns of Court, and who were their predecessors in the possession of these places which are now so famous? Why did they cluster together in this particular part of the metropolis of England? When did they assume a University character, and what has been their system of education? What was the meaning and significance of those masques and revels which were the characteristic form of recreation in these seats of learning in the Middle Ages, and who were the artists, dramatists and poets who co-operated in presenting them? What part have their distinguished *alumni* played in the history of English law and of English letters? What is the constitutional position of the Four Inns of Courts towards their members and towards each other? What is the public service which these institutions aim at rendering to their country and to humanity?

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The following seems to be a probable explanation of the origin and local situation of the Inns of Court. In the twelfth and thirteenth centuries there were schools of law in the City of London under clerical control. A series of events, which were symptomatic of certain trends of policy in both Church and State, resulted in the breaking up of these Metropolitan

seminaries. One of these events was the issue of a decree by King Henry III prohibiting the holding of any schools of law in the City of London. Another was the promulgation of a Papal Bull forbidding the Clergy to teach the common law. When the old system of legal education was thus turned adrift, another set of circumstances contributed to give it a new anchorage. The enforcement of a clause in Magna Charta led to the establishment of the Court of Common Pleas at Westminster Hall, and to the concentration in its neighbourhood of the Judges and of men of law. Thus it came about quite naturally that a colony of lawyers settled down, and a group of hostels for the reception and education of law students sprang up, outside the City walls, on the side facing Westminster, in and around what was then the suburban village of Holborn.

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At the beginning of the fourteenth century the village of Holborn lay in the open country, and was connected with Fleet Street and with the River by a sloping lane. This lane was called Chancellor's Lane because it was flanked by a palace of the Bishops of Chichester, one of whom was Chancellor of England. As time went on, its designation became corrupted into Chancery Lane. In or about the village were the manor-houses of the Earls of Lincoln, and of the

Barons Grey de Wilton. Beyond the foot of Chancellor's Lane was the mansion of the Knights Templars, with their noble church which still remains as a monument of vanished splendour. At this period none of the hostels of the lawyers had emerged into notice, or had become associated with a local habitation and a name. But they were in the vicinity, and they must have been growing and gathering strength.

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In the course of a century the personnel of the countryside between Holborn and the Temple underwent a transformation. The Templars, the Bishops, the Earls, and the Barons disappeared ; and the lawyers took their place. The Templars were forcibly expropriated ; and their successors, the Knights of St. John of Jerusalem, leased their riverside estate to a body of men of the law who came from Holborn, and then or afterwards divided themselves into the Societies of the Inner and the Middle Temple. Another company of lawyers settled in the palace of the Bishops of Chichester and in the domain of the Earl of Lincoln, taking from the latter family the name of Lincoln's Inn. A third society, having become tenants of the manor-house of the Greys de Wilton, adopted the name of their landlords, and so came to be known as Gray's Inn.

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The extant records do not enable us to tell in detail the story of the development of these societies from the comparatively humble position of hostels or seminaries to the higher status of organized institutions with recognized authority, dignified habitations, and honoured names. History only noticed them when they were thrust upon its attention—for example, when Wat Tyler raided the Temple in 1381. There is plenty of tradition and of evidence to connect certain eminent lawyers of the reigns of Edward III, Richard II, Henry IV and Henry V, with one or other of these Societies. But neither history nor tradition has anything to say about the process of evolution. A great deal of constructive work must have been carried on; but we listen in vain for the sound of the hammer. When the curtain is lifted, we find that the constructive work has been accomplished and that the four societies are in full working order. The oldest records that have been preserved are those of Lincoln's Inn, beginning in the second year of King Henry VI (1422). They indicate that this Inn had been for a considerable time an organized society with settled rules and discipline. When Sir John Fortescue, Henry VI's Lord Chief Justice, wrote his great work, *De Laudibus legum Angliæ*, in or about the year 1468, he painted a vivid picture of four Inns of Court, which already were in the

full plenitude of power, reputation and usefulness.

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Fortescue describes the Inns of Court as constituting "a sort of an academy or gymnasium fit for persons of their station; where they learn singing and all kinds of music, dancing, and such other accomplishments and diversions, which are called revels, as are suitable to their quality, and such as are usually practised at Court. At other times, out of term, the greater part apply themselves to the study of the law. Upon festival days, and after the offices of the Church are over, they employ themselves in the study of sacred and profane history. Here everything which is good and virtuous is to be learned, all vice is discouraged and banished. So that Knights, Barons, and the greatest nobility of the Kingdom, often place their children in those Inns of Court; not so much to make the laws their study, much less to live by the profession, having large patrimonies of their own, but to form their manners and to preserve them from the contagion of vice. The discipline is so excellent, that there is scarce ever known to be any piques or differences, any differings or disturbances amongst them. The only way they have of punishing delinquents is by expelling them from the society, which punishment they dread more than criminals do imprisonment

and irons ; for he who is expelled out of one society is never taken in by any other. Whence it happens, that there is a constant harmony among them, the greatest friendship, and a general freedom of conversation. The manner and method how the laws are professed and studied in those places, is pleasant, and excellently well adapted for proficiency." An historian of the next century treated these societies under the title of " Our Third University." Indeed, nearly every writer on the subject since Fortescue's time, has used the word " University " in connection with the Inns of Court. It was Sir William Blackstone who happily gave them the name of " Our Judicial University."

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Fortescue makes mention of ten or more inferior Inns, which were called " Inns of Chancery." These societies served as preparatory colleges for the Inns of Court, to each of which two or more Inns of Chancery were attached, like Maids of Honour to a Princess. The Inns of Court used to send Readers accompanied by " Outer " barristers to instruct the students in these Inns of Chancery, to discuss cases and legal points with them, and to preside over their Moots. The most promising students of an Inn of Chancery were, term by term, transferred to the parent Inn of Court. Many were the ties and links which bound the lesser and the greater

societies to each other. For example, we find Lincoln's Inn sending Sir Thomas More to act as Reader at Furnivall's Inn of Chancery, and the Inner Temple appointing Sir Edward Coke to "read" at Lyon's Inn, which was then one of its dependants. Barnard's Inn was subordinate to Gray's Inn, one of whose most illustrious members, Chief Justice Holt, was at one time Principal of the smaller house. Clement's Inn has been immortalized by Shakespeare, who made Mr. Justice Shallow a member of that Inn of Chancery. Young Shallow (if he is to be believed) sowed very wild oats, and was in the habit of bedaubing his Inn of Chancery in colours of bright scarlet. Perhaps that is why he did not become a member of an Inn of Court, promotion to which was not a matter of course.

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From the time of King Henry VI down to some fifty years ago, a member of an Inn of Court, on becoming a Serjeant, had to leave his Inn and to betake himself to one of the Serjeants' Inns, which were situate in Fleet Street and Chancery Lane. The Serjeants had the exclusive right of practising in the Court of Common Pleas ; and no man however eminent could be raised to the Bench unless he had previously taken the degree of the Coif. One of the results of this system was to separate the Judges from their old Inns, which they only revisited upon

certain ceremonial occasions. The Serjeants, so far as the English Bar is concerned, have been abolished ; and their Inns have been dissolved. A Judge, after his appointment to the Bench, continues to be a Bencher of his Inn, and thus has the opportunity of keeping in constant touch with its administration and with its social life.

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The Inns of Court are, and for centuries have been, governed by the Benchers, or Masters of the Bench, who renew and reinforce themselves by co-optation. In the Inner Temple and in the Middle Temple a meeting of Benchers for the transaction of the Society's business, is called a "Parliament." In the other Inns the nomenclature of the legislative bodies is different. The names in use are, in Lincoln's Inn "Council," and in Gray's Inn "Pension."

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Education has always been the principal care of the Benchers of the four Inns of Court. The method of conducting it has undergone many changes. There was a time when the following was the system under which the lawyers and judges of a former day were trained and prepared for the active work of their profession. A striking point of difference from our presen system was the comparative length of the curriculum. A student began by entering an Inn of Chan-

cery. Not until he was admitted to an Inn of Court could he hope to become an Inner Barrister. An Inner Barrister had to work and wait for seven years before becoming qualified to be an Outer (or Utter) Barrister. The Inner was the Junior, not, as in modern times, the Senior; and the words "Inner" and "Outer" originated in the internal arrangements for seating in the Hall during the holding of legal exercises. The Outer Barrister had to continue his studies for five years before becoming an Ancient, and being permitted to practise in the Courts. In the meantime, he was allowed to assist in the education of Inner Barristers and of the Students in the Inns of Chancery. Thus it was only after passing through a curriculum extending over twelve years that a barrister could qualify himself to practise in Westminster Hall. "Spacious" indeed for the young lawyer were the days of Queen Elizabeth.

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During this long period of pupilage the training was mainly oral and technical. The chief instructor was the Reader, who was selected by the Benchers from the "Outer" Barristers. The office of Reader was one of dignity and importance, and was an immediate step to admission among the Benchers. It was the duty of every Reader to "make his Reading," which took the form of an exposition of some Statute or of some special branch of the Law. The

Reading was delivered in the Hall in the Lent and Summer vacations, and was followed by discussions initiated by Outer barristers upon various aspects of the subject. These exercises occupied three or four hours every day and were continued for a fortnight or three weeks.

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Many of the Readers of the Inns of Court afterwards attained to high positions at the Bar or on the Bench, and many of their "Readings" were long remembered in the profession for their learning and excellence. Among the most celebrated readings were Sir Thomas Littleton's upon the Statute of Entails, Sir James Dyer's upon Wills, Sir Edward Coke's upon Fines, and Sir Francis Bacon's upon Uses. The most famous of them was a Reading of Serjeant Callis of Gray's Inn, upon "Sewers," which for many years constituted the leading authority upon that unsavoury subject. While the readings continued, the Reader was obliged to give a series of magnificent feasts, the expense of which sometimes exceeded £1,000. None but rich men could accept the office, and those who evaded it were heavily fined. This burden of expense led to the decay of the system of Readings, and ultimately to its abolition.

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Besides the "Readings," the principal modes of Legal Education consisted in the holding of

"Bolts" and "Moots" in the Hall. "Bolts" appear to have consisted of cases propounded for argument among the "Inner" Barristers, and to have been conducted by the "Outer" Barristers, with or without the assistance of a Reader or Bencher. A Moot would begin, after supper in the Hall, with the putting of some doubtful case by an Outer Barrister, which would be argued by one or two of the benchers. Then would follow a kind of mimic lawsuit, in which Inner Barristers recited the pleadings in Law-French, Outer Barristers argued for Plaintiff and Defendant respectively, and opinions or judgments were delivered by the presiding Readers and Benchers.

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Readings and Moots have long since disappeared from our legal system of education. The four Inns have agreed upon certain regulations which govern the admission of Students and the Calling of Barristers, and they have established a Council of Legal Education, in which all the Inns are represented. The Council of Legal Education makes provision for the instruction and the examination of students and for testing their fitness to be called to the Bar. Under the auspices of the Council of Legal Education lectures are delivered and examinations are held upon lines analogous to those prevailing in the Universities.

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The late Lord Russell of Killowen, on more than one occasion, while paying a warm tribute to the great services which this system has rendered to legal education, took the opportunity of advocating the revival of Moots as a useful preparation for the active work of the profession. In Gray's Inn, Moots are held at regular intervals in the Hall of that Inn, and are presided over from time to time by eminent judges and by conspicuous leaders of the Bar. These occasions are regarded as memorable and inspiring ones. It is a remarkable fact that, in modern times, the Moot system has been cultivated in America more widely and energetically than in England. The students of Harvard and of other Universities in the United States appear to have organized moot clubs and moot courts with an enthusiasm and thoroughness which link them up with the tradition of their forerunners of the days of Littleton, Coke, and Bacon.

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The Inns of Court were, from the time of Fortescue, places of recreation as well as of study; but the Students found their pastime in social and intellectual, rather than in athletic, pursuits. It was an age of revels, masques, and plays. Such relaxations were in fashion at the King's Court, and were characteristic of the "Merrie England" of the Middle Ages. They were encouraged by the Benchers, who doubtless

considered that they tended to elevate the literary taste, and to cultivate the rhetorical powers, of the Students. Perhaps some of them had their misgivings about their educational value. At all events, Francis Bacon, who organized many a masque, seems to have damned them with faint praise in the following passage : " These things are but toys . . . but yet, since princes will have such things, it is better that they should be graced with elegancy than daubed with cost."

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The " revels " were commonly held at Christmas or at some other time of festival. They usually centred round a mimic Court presided over by a mock King or Prince, who was attended by a retinue of titular officers of Court and of State, and by a band of Minstrels. Among the titles which from time to time were assumed by the Chief of the Revels on these occasions, was " Prince of Purpoole " at Gray's Inn, because it was situate in the Parish of that name, " Prince de la Grange " at Lincoln's Inn, " Prince of Sophie " at the Inner Temple, and " Prince d'Amour " at the Middle Temple. Real Kings and Queens often came to see their mimickers. Queen Elizabeth and the Stuart Kings constantly attended the revels and masques in the Inns of Court, and received the revellers and masquers at their Royal Palaces.

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Sometimes a "revel" offered an opportunity of glittering advancement to a young member of an Inn of Court. In 1562, Lord Robert Dudley was "Prince of Sophie" in the Christmas festivities at the Middle Temple, and was attended by Christopher Hatton as one of the titular officers of his Court. The mock "Prince" was destined to become Earl of Leicester and Queen's favourite; and young Hatton was to "revel" his way to the Woolsack. On the other hand, festive occasions of this kind sometimes spelt disaster for everyone concerned. In 1521, Cardinal Wolsey attended a masque at Gray's Inn which seemed to him to satirize his methods of government. The author and the principal actor quickly found themselves in the Fleet Prison; and a second masquerader escaped a similar fate by betaking himself across the seas.

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Sometimes these "shows" had a political significance. Such was the *Triumph of Peace*, organized at a cost of more than £20,000 by the four Inns of Court, in 1633-4, as a protest against William Prynne's *Histrio-mastix*, and as an expression of "love and duty" to Charles I and his Queen. Sometimes they were given in celebration of some notable social event. Such were the two masques presented, one by the Inner Temple and Gray's Inn, and the other by

the Middle Temple and Lincoln's Inn, on the occasion of the marriage of the Elector Palatine to James I's daughter, Princess Elizabeth, who was afterwards known to history as the unfortunate "Winter Queen" of Bohemia, and the mother of the gallant Prince Rupert. Such also was *The Masque of Flowers*, organized by Sir Francis Bacon at Gray's Inn, in honour of the marriage of King James's favourite, the Earl of Somerset, to Lady Essex. In this instance, masque was quickly followed by tragedy. Two years hardly elapsed before Sir Francis Bacon, as Attorney-General, was prosecuting the Earl and Countess of Somerset for the murder of Sir Thomas Overbury.

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Famous artists and authors took pride in co-operating on these occasions with the lawyers. For example, Sir Inigo Jones once planned scenery and decorations for Lincoln's Inn. Thomas Middleton (who is believed to have had a hand in some of the scenes of *Macbeth*) composed a piece for the Inner Temple. Sir William Davenant did the same service for the Middle Temple ; and Beaumont and Fletcher contributed to the production of a masque for Gray's Inn.

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Shakespeare and Ben Jonson knew the Inns of Court well, and did not forget them in their

writings. Ben Jonson dedicated his play, "*Every man in his Humour*," to "the noblest nurseries of humanity and liberty in the Kingdom, the Inns of Court." Shakespeare's *Comedy of Errors* was acted in Gray's Inn Hall in 1594, and his *Twelfth Night* was played in the Middle Temple Hall in 1602. The Scene in *The First Part of King Henry VI*, in which the rival Lords and Gentlemen pluck white and red roses as emblems of the quarrel between the houses of York and Lancaster, was fitly staged in the Temple Gardens. The scene was in fact a "moot" adjourned from the Hall. So says the Earl of Suffolk :

"Within the Temple Hall we were too loud ;
The garden here is more convenient."

Then follows an argument in the course of which "a lawyer" gives his opinion in favour of the white rose. We know from a passage in *The Second Part of King Henry IV*, that Shakespeare was acquainted with the geography of Gray's Inn. Mr. Justice Shallow tells us that it was behind Gray's Inn that in his mad student days he fought Simon Stockfish, a fruiterer. Would that some Shakespearian investigator could bring to light the fruiterer's version of that encounter !

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During the Commonwealth the lawyers' customary recreations were discontinued in obedience to a decree of the Long Parliament, which enjoined the Benchers of the several Inns of

Court not to permit any "publique revells or games." They were resuscitated after the Restoration; but they hardly survived the Revolution. It was found that the spell was broken, that the masques had lost their magic, and that the masqueraders, like Prospero's actors, were all "melted into air, into thin air." From the baseless fabric of such visions, let us turn our attention to the great names which adorn the rolls of fame of these Societies.

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To enumerate all the great lawyers and judges who were members of the several Inns of Court would be an endless task. Continuously, for nearly six centuries, they have gone out through the four old gatehouses, and, as they met each other outside, they have formed an innumerable caravan. Let us post sentries at the four gates to choose two deputies from each company. From the Inner Temple comes Sir Edward Coke, than whom, wrote a competent critic, "never was a man so just, so upright, so free from corrupt solicitations of great men and friends," and Heneage Finch, Earl of Nottingham, who was acclaimed by Westminster Hall as "the Father of Equity." Among the Middle Templars are singled out Lord Hardwicke, of whom Mansfield declared, that "when he pronounced his decrees, wisdom herself might be supposed to speak," and Lord Eldon, whose dilatoriness was forgiven

by the profession which recognized his transcendent learning and his superior judicial qualities. At Lincoln's Inn, amidst a noble throng, attention is arrested by Sir Matthew Hale, unsurpassed for knowledge, industry, patience and integrity, and by Lord Mansfield, "the just and intrepid." At Gray's Inn the choice falls upon Chief Justice Gascoigne, who, when the traditions of the English Bench were in the making, laid the foundation of the reputation of our Judges for independence and for impartiality, and Chief Justice Holt, who, in a later age, was one of those who helped to cap the pediment.

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The Inns of Court have produced a considerable number of able writers and original thinkers, who have helped materially to co-ordinate and to systematize the science of British Jurisprudence, to remove its blemishes, and to reform its abuses. Conspicuous among them have been Sir William Blackstone, of the Middle Temple, John Austin of the Inner Temple, Jeremy Bentham of Lincoln's Inn, and Sir Samuel Romilly of Gray's Inn.

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Sir William Blackstone was a poet before he was a lawyer. Upon entering the Middle Temple he wrote a "lawyer's farewell to his Muse," but he remained to the end of his life, a

lover and student of Shakespeare, Milton, and Pope. These were the sources from which came that easy and dignified style which drew from one of his critics the admission that he was the first Juristic writer "to speak the language of the scholar and the gentleman." His enthusiastic commendations of the laws of his country, and his habit of defending their anomalies, roused the ire of a notable group of zealous law reformers. But his reputation is firmly fixed in two hemispheres. His Commentaries have profoundly influenced the course of legal education on both sides of the Atlantic. His historical method set an example which was followed by a long line of legal historians from Reeves to Maitland. His clear exposition, and his frank admiration, of the English Common Law, found a wide response in the New World, which appreciated its value as a basis of order and of Liberty. His writings are said to have suggested to Chancellor Kent the idea, if not the plan, of his Commentaries on American Law.

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To a different school of thought belonged Austin, Bentham, and Romilly. Austin, despite an unattractive manner of writing, succeeded, by his analytical skill, in changing the face of British jurisprudence by teaching students and lawyers to cultivate exactitude of thought, and by introducing greater precision of expression into legal

terminology. Bentham's signal service to the law was to apply to it the test of utility. Bulwer Lytton said of him, that he alone combined "the spirit of the Philanthropic with that of the practical," and that he was "the very Theseus of legislative reform, he not only pierced the Labyrinth—he destroyed the monster." Bentham influenced a school of Law reformers of whom Sir Samuel Romilly was the most interesting and the most distinguished. Romilly was no mere abstract thinker. He was the acknowledged leader of the Chancery Bar, and served as Solicitor-General to the Administration of All the Talents. He was an enthusiastic and a successful advocate of the mitigation of the ancient rigour of the Criminal Law. His tragic end deeply touched the profession which he adorned. It was remarked that Lord Eldon, usually frigid and unimpressionable, was caught unawares when he heard of it, and was affected to tears.

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From the Inns of Court there have gone forth a number of cultivated men who have distinguished themselves in the world of letters. Some were notable lawyers and judges who were wedded to their profession, and yet found time to divert themselves with the Muses. Others were qualified lawyers who became literary men by choice. Among the former were Sir Thomas More of Lincoln's Inn, Lord Clarendon of the

Middle Temple, and Francis Bacon of Gray's Inn. Among the latter were Thomas Babington Macaulay and Edward Bulwer Lytton of Lincoln's Inn; Henry Fielding, John Evelyn, William Congreve, William Cowper and Thomas de Quincey of the Middle Temple; Francis Beaumont, William Wycherley, Henry Hallam, James Boswell, and perhaps Geoffrey Chaucer of the Inner Temple; Sir Philip Sidney, Algernon Sidney, and William Camden of Gray's Inn.

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William Makepeace Thackeray was a barrister of the Middle Temple, and shared chambers with Tom Taylor, who described them as "grimy, dull and dim." In these dingy surroundings Thackeray created *Pendennis*, incidents in which he staged in the Hall, the Garden, the Courts, the attics, and at the gate, of the Temple. Charles Dickens, when he was a student of the same Inn, made excellent use of his wonderful powers of observation of men and of localities. It was in the Temple that he found the original of Serjeant Buzfuz; and it is evident from the following passage that the Temple left at least one pleasing impression on his mind: "Brilliantly the Temple Fountain sparkled in the sun, and laughingly its liquid music played, and merrily the idle drops of water danced and danced, and, peeping out in sport among the trees, plunged lightly down

to hide themselves, as little Ruth and her companion came towards it."

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It remains to say something about the position of the Inns of Court in the eye of the law, of their relation to each other, and of the true direction of their influence upon their members. The legal position of the Inns of Court has no exact parallel in our system of laws. In this respect they hold a place among the other institutions of the realm which is unique and solitary. In a series of well-known cases, the first of which was "*Boorman's Case*," decided in 1642, in the seventeenth year of the reign of King Charles the First, the Courts have refused to meddle with their relations with their members. The most celebrated of these cases was the *King against the Benchers of Gray's Inn*, which came before the Court of King's Bench, presided over by Lord Mansfield, in 1780. It was brought by one, William Hart, who moved the Court for a Writ of Mandamus to compel the Benchers of Gray's Inn to call him to the Bar. The Judges refused to grant the Writ, holding that the Benchers of the several Inns of Court were the sole authority by which the position of a barrister would be conferred or taken away, and that the only redress was by appeal to the Judges sitting as a domestic Tribunal. On that occasion, Lord Mansfield observed: "The original institution of the Inns

of Court nowhere precisely appears, but it is certain that they are not corporations, and have no constitution by charters from the Crown. They are voluntary societies which for ages have submitted to Government analogous to that of other seminaries of learning. In every instance their conduct is subject to the control of the Judges as visitors. From the first traces of their existence to this day no example can be found of an interposition by the Courts of Westminster Hall proceeding according to the general law of the land ; but the Judges have acted as in a domestic forum. The ancient and usual way of redress is by appeal to the Judges."

. . . . .

The true relation of the four Inns of Court to each other is well described in the following passage from the work of a former writer on the subject. "The four Inns of Court stand upon a footing of equality. No precedence, priority, or superior antiquity is conceded to or claimed by one Inn beyond another. *Nihil prius aut præterius, nihil magnus aut minus.* They form together one university. Their powers, jurisdiction and privileges are co-equal. The zeal of individual members has sometimes ascribed to one Inn eminence or antiquity above its sister Inns, but they are now what they were when Shirley (in 1633) dedicated to them his Masque, *The Triumph of Peace*, 'the four

equal and honourable Societies of the Inns of Court.'"

. . . . .

The Inns of Court discharge important functions in the spheres of education and of discipline. But it would be a mistake to suppose that they have no wider vision. Like the Universities, they are the heirs of splendid traditions, which tend to elevate the minds and to stimulate the ambitions of their members. Like the Universities they kindle within their walls that kind of *esprit de corps*, of which patriotism and public spirit are larger expansions. The Inns of Court are alive to the responsibilities which are cast upon them as the keepers of the keys, and the guardians of the honour, of the English Bar. It is their common aim to serve their countrymen by rendering their profession a polished and efficient instrument for the ascertainment of the truth and for the holding of the scales of Justice evenly between citizen and citizen.

DUNBAR PLUNKET BARTON

BOOK I THE TWO TEMPLES

I. THE BUILDING OF THE TEMPLE

TO-DAY those who go westward from Ludgate Circus to Charing Cross may find it hard to realize, however much they love the past, that eight hundred years ago Fleet Street and the Strand were merely the continuation of a country foot-path which connected the City of London with the cluster of houses growing round the Abbey of Westminster. Even the natural topography of the region was different. Wayfaring then instead of now, they would have seen two rivers where now they know only one ; for just outside the city gate they would have found it necessary to cross a rushing stream, which was not the Thames, but the Fleet flowing north to south into the Thames, to which it bore the same sort of relation as the Cherwell to-day bears to the Isis. Along the western valley, to their left, once they had crossed the Fleet, they would have walked parallel with, and in sight of, the broader Thames, with its marshy banks, the haunt of sea-gulls, and of the more homely ducks and geese of substantial citizens. Scattered here and there, on either side of this rural way, some climbing rightward up the slopes of the northern heights, others to the left standing as conspicuous landmarks on the river banks, would have been unfolded to the view of their westward progress suburban demesnes forming the " town palaces "

of great nobles and powerful bishops, churches the spires of which made brave landmarks, and religious houses, not the least rich in the beauty of their buildings or the limits of their boundaries.

The scene has the brightness of the beginning of things, though the city behind was already eleven centuries old, and Westminster in front at least six. The details are vague, fluid—things born not of calculation but of imagination. It was a period of new birth. Henry II, first of the Plantagenets, red-haired and tempestuous, had started upon his long and virile reign. Everywhere throughout England arose the clang of the mason's hammer and the shouts of workmen. And before we part from our imagined wayfarer from Ludgate to Charing westward, whom we have transported from the 20th century to the 11th, we may think of him on his Thames-side journey on a summer morning, listening as he goes to such happy sounds of toil, and watching the modest birth of yet another cluster of buildings along the fields sloping down to the river.

Of these particular buildings, whatever their nature or extent, only the "Round," or western portion of the Temple Church, remains to-day.

How they came to be built may be quickly told. Some forty years prior to the period we are speaking of there had visited England one of the great propagandist figures of the mediæval

PORCH TEMPLE CHURCH

world. Hugues de Payens was the leader of a band of less than a dozen knights, who, having distinguished themselves at the siege and capture of Jerusalem in 1099, had formed a holy brotherhood in arms and entered into a solemn compact to aid one another in clearing the highways of infidels and robbers, and in protecting the pilgrims through the mountain passes to the Holy City. They took vows of perpetual chastity and poverty, as monks did. They were actually military friars called into existence by that age of passionate pilgrimage, when young and old, rich and poor, flowed in a ceaseless torrent across Europe to visit the Sepulchre. Within a few years the value of this fellowship had become so manifest that Baldwin II, the Latin King of Jerusalem, gave them a habitation within the sacred enclosure of the Temple on Mt. Moriah, in the portion of it called the Temple of Solomon. "The Poor Fellow Soldiers of Jesus Christ" became The Knighthood of the Temple of Solomon. And so the Knights-Templars were born.

Cosmopolitanism was the essence of such religious bodies. Presently the Knights-Templars had their roots deep in every country of the Christian world. One might say their conduit pipes, through which flowed an endless stream of treasure and human lives into that two-century struggle waged between West and East. The

Knighthood became the recruiting agency of Christendom. Cadets from every noble family in Europe wore upon their white tunics the emblem of the red cross, gathered under the black and white banner, and sought no line of conduct outside the rules drawn up for the Order by its patron, St. Bernard, the pious and powerful Abbot of Clairvaux.

When Hugues de Payens made his visit here in 1128, he was a world figure and close upon fifty. He was well received, and got numerous recruits ; and, what was not less important, treasure from the faithful and grants of land. Before his departure he placed a Knight Templar at the head of the Order in this country, and established the first Temple of the Order in England on the northern side of the little country path between Ludgate and Charing, described on an earlier page. Hugues went back to the parent house on Mt. Moriah and died, and another Grand Prior of the Order reigned in his stead. But the English branch which he had founded, just as all the branches elsewhere, increased in numbers, power, and wealth. They outgrew their earliest home, which stood where to-day Chancery Lane joins Holborn. That was the *Old* Temple, a name still met with in ancient records. To replace it they bought the large space of ground of which some slight picture has been attempted here, on the

marshy banks of the river, just outside the city walls.

East of this site, and between it and the Fleet River, stood the Carmelite monastery of the Whitefriars. And Whitefriars remains the eastern neighbour of the Temple to this day. To the west were fields and manor-houses. Along the north ran that little country path, traversing which we set out upon this history. And if, as a final effort of imagination, you could stand a moment on that May morning of 1170 and listen to the clang of the mason's hammer, and could see the round walls slowly rising down there by the river, what you behold is the new English home of the Knights-Templars ; called Temple after the Temple of Solomon, the parent house on Mt. Moriah ; called *New* Temple to distinguish it from the *Old* Temple over there in Oldbourne. And Temple the name has remained from that day to this.

Of the buildings which rose there, the only one left us, and concerning which we have any definite date, may well have been the earliest. On February 10th, 1185, the Round Church was consecrated and dedicated to the blessed Virgin Mary by Heraclius, Patriarch of Jerusalem, who had seized the opportunity of a truce with Saladin, and comparative calm in the Holy Land, to stir up the faithful in other lands. The oblong portion of the church was not completed until

much later. Well may you remember as you stand in the centre of the Round Church to-day, amidst the recumbent effigies of the Knights-Templars, and between the memorial brasses, so beautiful in their restrained dignity, which the two Houses have dedicated to their dead in the Great War, that you are standing in a birth-place of the English race, and that the walls around you were the fruit of the piety of generations which spoke with Becket, defied Henry, and trampled on King John.

Otherwise, what the rest of that earliest Temple was like architecturally we do not know, nor do we anywhere really glean very much concerning the habits or history of the insular branch of the Order, whose chief house it was. The most detailed and painstaking account, from the point of view of English readers, still remains the book published eighty-two years ago by a writer honourably connected with one of the societies which inherited the Templars'* walls. His industry, and the eloquence of his narrative, may convey to us a picture sometimes too perfect in its details, as compared with the actuality, but he does leave in our minds a definite idea of what these men were like, how they governed themselves, and what they did.

At this period, when the Round Church was

* "The History of the Knights-Templars." By Charles G. Addison, Inner Temple. (Longmans, 1842.)

consecrated, the Order of the Temple was divided into Knights, priests, and serving brothers. Every candidate for admission into the first class must have received, so Mr. Addison tells us, the honour of knighthood in due form, according to the laws of chivalry, before he could be admitted to the vows ; and as no person of low degree could be advanced to the honours of knighthood, the brethren of the first class, that is the Knights-Templars proper, were all men of noble birth. The admission of esquires and retainers to the vows was a later development. These became in time the great class of serving brethren (*fratres servientes*), who attended the knights into the field both on foot and horseback, armed with bows, bills and swords. The esquires of the Knights were generally serving brethren of the Order, but the services of secular persons might be accepted. The Order of the Temple always had in its pay a large number of retainers and mercenary troops, both cavalry and infantry, which were officered by the Knights. An inquisition of the lands of the Templars in England, taken in the year of the consecration, by the direction of Geoffrey, the Superior of the Order here, showed the number of estates and houses acquired in the fifty-seven years of their insular establishment to be remarkable.

Obviously these dependencies, or off-shoots,

as they waxed in wealth, were likely to become more independent of the parent house, to look more to themselves for guidance, and less to Mt. Moriah. The picture Mr. Addison gives us may well be of a later date, when the New Temple had become one of the political forces of the capital, harbouring kings, and papal legates, often more powerful and rapacious than kings. He writes :

> This New Temple was adapted for the residence of numerous military monks and novices, serving brothers, retainers and domestics. It contained the residence of the Superior and of the Knights, the cells and apartments of the chaplains and serving brethren, the council chamber where the chapters were held, and the refectory or dining hall, which was connected by a range of handsome cloisters with the magnificent church, consecrated by the Patriarch. Alongside the river extended a spacious pleasure-ground for the recreation of the brethren, who were not allowed to go into the town without the leave of the master. It was used also for military exercises and the training of horses.

If we can close our eyes and see, with the eyes of fancy, such a 13th century Temple, we shall be lucky. More likely, even in the height of their power, the London habitation of the

SOUTH ORIEL MIDDLE TEMPLE

Knights-Templars did not differ greatly from more circumstantial pictures of it at a later date. There stood the church isolated, like some solitary sentinel, in the middle of a large churchyard running north and south, and as conspicuous from Hampstead as the dome of St. Paul's is to-day. In comparison with this dominating steeple, the cells and apartments of the brethren, their refectories and common meeting-places, must have seemed huddled and mean. Such, after all, was the fashion of the age which was remarkable for its pious observances.

Be that as it may, there can be no question as to the character of the life within this place. It was threefold. Properly first, until, as we may surmise, the growth of riches and of local interests put it second, or even third, was the main object of the knighthood, the constant supply of trained and equipped men to the East. There were two regular voyages a year from Europe to Palestine, in spring and summer respectively, when newly admitted knights left the preceptories of the West, taking with them hired foot-soldiers, armed pilgrims, and the whole paraphernalia of equipment which were the Crusades. During the remainder of the year there continued at the Temple in London, just as at the Temple in Paris, and at the Temples elsewhere throughout the West, the daily life directed towards the preparation and despatch

of these biennial quotas. The rules made by St. Bernard for a handful of poor soldiers in a beleaguered outpost provide the key to the routine. The professed knights wore white garments. To each was allotted a squire and three horses. The squires and retainers were clothed in black. Married brothers were allowed in the community, although they can scarcely be said to have been encouraged. If such an one died first, he had to leave his portion of the patrimony to the brethren, while the wife had to depart at once, taking her maintenance out of the residue. Women, indeed, must have been the exception rather than the rule, so long as St. Bernard's word governed the life of these communities. "We hold it dangerous to all religion," the Saint had urged as a final warning to his knighthood, "to gaze too much on the countenance of women; and therefore no brother shall presume to kiss neither widow, nor virgin, nor mother, nor sister, nor aunt, nor any other woman. Let the Knighthood of Christ shun feminine kisses, through which men have very often been drawn into danger, so that each, with a pure conscience and secure life, may be able to walk everlastingly in the sight of God."

The hall, which stood, as is conjectured, where the Inner Temple Hall stands to-day, was the common meeting-place. Here the community gathered for their meals, two and two eating

together, as St. Bernard had enjoined, "that one may have an eye upon another." After food they repaired to their several cells, to prepare themselves in rest and silence for the exercises of the succeeding day. Contact between the individual knight and the outside world was of the slightest. Bags and trunks, with locks and keys, were not granted. The brothers might neither send nor receive letters, even from parents, without the license of the master ; and such missives as were permitted had to be read in his presence. Cards and dice were forbidden, just as in later ages among the younger barristers and students, and one may hope more effectively. But what does seem strange among men who were before all else soldiers, their rule enjoined on them to shun the sports of the field, and to take "no delight in that ludicrous catching of birds (hawking)," which their age was wont to indulge in. Jesters and soothsayers and story-tellers, scurrilous songs, shows and games, they contemptuously despised and abominated as vanities and mad follies. They cut their hair, knowing that, as St. Bernard told their founders, "according to the Apostle, it is not seemly in a man to have long hair." They were never combed, seldom washed, but appeared rather with rough, neglected hair, foul with dust, and with skins browned by the sun and wearing their coats of mail.

Manifestly these habiliments of the camp gave place to a more kempt, if not more elegant appearance, as the London Temple changed from a forwarding depot into a great religious house, with an important life of its own. Mr. Addison fills in the details of this change with his accustomed care and eloquence ; but it is a noteworthy fact that when the catastrophe came, and when to be a member of the Order was to risk torture and death, the fugitives not infrequently betrayed themselves by their long beards.

So much then for the course and character of existence in the London Temple during the 13th century as the result of the main purpose for which the Knights-Templars had been founded. But there was also the life of affairs consequent upon the vast possessions administered direct from the building on the banks of the Thames, which numbered, in imitation of the establishment at the chief house in Palestine, a Master (called also indifferently the Preceptor or Prior), a Treasurer, and a Guardian of the Church, who had three chaplains under him called readers. The Master became a busy and important person, responsible for vast estates and numerous houses. These preceptories, as they were called, he visited in turn, tightening up the discipline no doubt, settling quarrels, and—most important duty of all—watching lest the contributions of men and treasure fell below

standard. When the end of the Order came, as it did with dramatic suddenness, its annual income in Europe was computed at six millions sterling. No wonder that the New Temple became "a storehouse of treasure," a place where kings and great ministers, with an eye on the uncertainties of the mediæval to-morrow, deposited their jewels and cash.

The turning of the tide of fortune, at any rate in England, was marked by the depredations of monarchs. When Hubert de Burgh, the last great Justiciar, fell in 1232, and left the way clear to a quarter of a century of bad government and civil war, the first thought of Henry III was to lay hands on Hubert's treasure in the Temple. The Master refused to surrender it without the owner's permission, who made a virtue of necessity. Yet Henry was one of their greatest benefactors. It was in his reign that there were conferred upon the Knights-Templars spacious privileges and immunities with regard to both taxation and justice. They were not compelled to plead except before the King or his chief officer. They had the right of sanctuary, the reason why they grew in such request as bankers ; and in addition a criminal jurisdiction which made them uncomfortable neighbours. On Ascension Day, 1240, the King came with all his court to the consecration of the nave of the Temple Church.

If the church, which it thus took sixty years to complete, contains no dead kings, the Temple itself gave frequent hospitality to living ones. Not only Henry, but his father John and his son Edward, often resided in the Temple. John especially chose this haven from turbulent times, for himself and his treasure, lodging there that agitated night before he went up river to Runnymede to sign Magna Charta. When Henry III died, the Council of the Realm, composed of the Archbishops of Canterbury and York and the Bishops and the Barons, assembled in the Temple to swear allegiance to the new King, Edward I, who had taken the Cross in 1270, about two years before his father's death, and gone on the Crusade. Guardians of the Realm were appointed during his absence, and from the Temple emanated many acts of the new government.

That was the last Crusade, and for the Templars it was the beginning of the end. Indeed no great movement in history has ever had such definite dates to mark its birth and death. As the Christian conquest of Jerusalem in 1099 had brought the Knights-Templars into being, the Fall of Acre, just two hundred years later, by sweeping them, with the remainder of the chivalry of the West, from the Holy Land, anticipated by less than twenty years their final extinction. The reason for their existence had vanished, but it is hard to read without pity and

indignation the means, always cruel and not seldom treacherous, by which, especially in France, they were overthrown and despoiled of their vast possessions.

The accusations of tyranny and moral corruption brought against them here and abroad were doubtless not without their elements of truth. The rolls of Parliament in 1298 are full of complaints against them ; while the fact that the treasurer of the London Order was at different times authorized to receive the taxes imposed upon the moveables of the ecclesiastics, also the large sums of money extorted by the rapacious Popes from the English clergy, was not calculated to add to their popularity. But it is impossible to forget that their chief accuser, the French King Philip the Fair, was needy and avaricious, or that the Knights of the Temple of Solomon were very rich. Neither can it be ignored that their formal extinction was pronounced by a French Pope from what was virtually a French prison, nor that it followed upon evidence which was the contribution of a renegade, and even at this distance of time reeks of perjury. Least of all can one blot out the page of deceit and cruelty, rare even in a callous and perfidious age, on which is inscribed the captivity and final martyrdom at the stake of James de Molay, last Grand Master of the Temple.

Those closing dates are dramatically concise

and quickly told. On October 13th, 1307, by a coup which reminds one of St. Bartholomew, the Templars were arrested in France, just one year after the letter addressed to them by Clement V (the French Cardinal Dupré) reciting the charges against them. For six years De Molay lingered in prison, decoyed into occasional admissions, but ultimately denying with vehemence these accusations, which included black magic. Burnt in Paris on March 18th, 1313, he lived long enough to learn of the abolition of his Order, pronounced by the Pope at the General Council of the Church assembled at Vienne, October 16th, 1311.

In England events moved more slowly, and in comparison more humanely. Edward II at first displayed reluctance to follow the example set by his brother of France, until the persuasive influence of a Papal Bull, coupled no doubt with the temptation of the treasure, procured the arrest of the English Templars and the confiscation of their property. As a preliminary act of discipline, he broke open their coffers, and, with the assistance of his favourite, Piers Gaveston, appropriated £50,000 in money and jewels belonging to the Bishop of Chester. William de la More, Master of the Temple in England, was thrown into the Tower, where he died in 1312, to the end asseverating the innocence of his Order. To Edward's credit it may be said

that he was touched by the dying man's misfortunes. He directed the Constable of the Tower to hand over to the dead Master's executors his goods and chattels, valued at the sum of £4 19s. 11d., to be employed in the liquidation of his debts ; and he commanded Geoffrey de la Lee, who had in the meantime been appointed guardian of the lands of the Templars, to transfer the arrears of de la More's prison pay to his executor. The Temple in London, and all the dependent preceptories, lands and revenues, were placed under " Guardians of the lands of the Templars " to account for rents and profits to the King's Exchequer. For a time the Templars were hunted through the realm, but with the final sequestration of their property, the persecution having lost its main purpose, died down. Indeed a pension of fourpence a day was provided for the old servants and retainers who lingered on in the various preceptories. It was never paid. Justly might Mr. Addison declare that the true offence of the Order, and the real cause of its destruction, was its riches.

FAIRFIELD UNIVERSITY
FAIRFIELD, CONN.

II. THE COMING OF THE LAWYERS

COULD we recover from the past one authentic glimpse of All Saints' Day, 1307, the last occasion that the Templars prayed together in their church and met in their common hall, we might step forward with greater confidence into the shadows of the years that follow. We know, however, little of the circumstances of the end of that corporate life, and less of the aspect of the surroundings from which it was driven. The latter we may try to recapture.

The country path of a century earlier, that led from Lud Gate over the Fleet river to the village of Charing, was now at least a fair-sized road, bordered on each side by a sprinkling of suburban houses. One such abode supplied Edward II with "six pairs of boots with tassels of silk and drops of silver gilt," the price of each pair being five shillings. Houses from the Temple Church northwards to the High Street (otherwise Fleet Street) had been erected by the Templars just previously to their fall. But the thoroughfare still left much to be desired. We have a graphic little picture of it in a petition presented to the same sovereign by the inhabitants of Westminster, complaining that the way between "La Barre du Novel Temple de Londres" and the Palace was so bad that in the rainy season they were greatly interrupted, especially by thickets and bushes.

Incidentally the petition is interesting as one of the earliest references to the Bar (whether it was post or rails or chain or wooden gateway cannot be stated definitely) which separated at this point the liberties of London from those of Westminster.

But in spite of the thickets and bushes, this portion of the road between Temple Bar and Westminster was not without its attractions. Contemporary accounts provide a warm-tinted picture of brown sails and waters that sparkle in the sunlight, of white and black mediæval manor-houses at the edge of lawns sloping to the river, with the Abbey and Westminster Hall (the latter resembling an overgrown brick barn) at the end of the journey, dominating the city that contains otherwise few buildings, at least from the waterside, but mostly trees and grass and hedges and cows. Small wonder that covetous eyes were cast at any unappropriated corner of this fair domain.

Edward, with his horde of favourites, as well as his great nobles who needed placating, very soon began to dispose of the Templars' property as though it was wholly vested in the Crown. Lands and houses were consequently distributed among his barons, who held tight hold of them, even after Pope Clement had begun to repent of some at least of the results of his own action. In the case of the London Temple this

eleventh-hour papal repentance proved less ineffective.

With its round church and clustering buildings, it went almost at once to the King's cousin and most turbulent subject, Thomas of Lancaster, who, a few years later, headed the barons in arms, procuring the overthrow of Gaveston and his execution. Thomas met Gaveston's fate at the hands of later favourites, but not before he had been instrumental, in 1320, if we are to credit one account, in beginning the connection between lawyers and the Temple.

"*Certain lawyers*," *we are told*, "*made composition with the Earl of Lancaster for lodging in the Temple, and so came hither, and remained here ever since.*"

If that was the memorable date, we may be certain that the footing thus obtained remained for many years a vague and flickering affair, altogether secondary to the vicissitudes of ownership which compose the Temple's history during the next quarter of a century. As has been mentioned already, the Pope had viewed with mingled feelings the transference of the great possessions of a Religious Order, however discredited, into secular hands. On the morrow of the disappearance of the Templars he had ordered that their goods should be transferred bag and baggage to the Knights-Hospitallers, the other great brotherhood born of the Crusades,

which being less wealthy proved longer lived. These papal injunctions, backed up even though they were by Bulls and menaces, were never completely obeyed. The Hospitallers never obtained actual possession of one-twentieth of the riches once in the hands of the Templars. But in the case of the London Temple, the necessities of Edward III in prosecuting his French campaigns procured for the existing brotherhood what they had never been able to obtain with any definiteness from the interposition of the Pope. About 1340, the King, on the point of embarking for the Continent, made absolute grant of the entire Temple to the Knights-Hospitallers in return for a contribution of £100 to the French war.

With the arrival in the Temple of the Hospitallers, we find ourselves on firmer ground regarding the arrival of the lawyers. The Patent Rolls, 1347 (20 Ed. III), show that the Knights-Hospitallers, being then in quiet possession, farmed the manor or place of the New Temple to professors and students of the law, who, as far as can be ascertained, came from Thavie's Inn, Holborn, at an ascertained rent. That is the date accepted by the late Mr. Inderwick, Q.C.,* whose study of the records of the Society, of which he was not the least eminent

* "A Calendar of the Inner Temple Records." Edited by F. A. Inderwick, Q.C. Published by order of the Masters of the Bench. London, 1896.

member, must always remain the authoritative introduction to its history.

Consequently in 1947 the lawyers of that generation will be able to celebrate the six hundredth anniversary of the first coming of their fraternity to the New Temple.

Possibly by that date they may know more than we do of the origin of that dozen or so of legal colonies called Inns of Chancery and Inns of Court, of which their two houses, the Inner and Middle Temple, form one half of the number which have survived into modern times.

The slow beginnings of the professional lawyer class in England provide a fascinating story, over which, however, it is not possible to linger. Under the Plantagenets the King's Court, from being a feudal appanage of the king's person, became the instrument of public justice, developing into such divisions as the King's Bench and the Exchequer, dealing with crimes and fiscal and other rights of the crown ; and the Common Bench, concerning actions between subjects. And what had been the preserve of the clergy was now passing into the hands of laymen. Temporal pleaders seeking for employment began to cluster round Westminster, borrowing from ecclesiastical courts the functions of advocate and procurator, and familiarizing themselves, one may suppose, with those unbroken records of judicial utterances which were to broaden

down through seven centuries into the Common Law of England. Judges cease to be ecclesiastics, and we begin to read of men climbing from the Bar to the Bench.*

That this new race of secular lawyers should form itself into little knots or clubs of professors and apprentices, of practisers and aspirants, was the most natural and obvious thing in that Mediæval world of guilds and trade unions. We are handicapped in trying to realize what these associations really were because of our preconceived notion that they must have started from some formal act of incorporation or constitution governing their whole forward existence. Nothing is further from the truth. They were absolutely voluntary in their birth. Here and there throughout that suburban belt between the City and Westminster, which is now Holborn and Kingsway and Aldwych, these small companies of practising lawyers and those who wished to learn their art rented or bought common premises in houses which may have been the residences of substantial burgesses or nobles, or even disused taverns. We meet them first as Inns of Chancery. These were so called, says an ancient writer,† because the clerks who prepared the original writs out of Chancery by which all legal proceed-

* Professor F. W. Maitland: "Collected Papers" (Cambridge University Press, 1911).

† "Picturesque Views, with an Historical Account of the Inns of Court in London and Westminster." By Samuel Ireland. London, 1800.

MIDDLE TEMPLE LIBRARY EXTERIOR

ings were in old times originated, used to live in them with the younger apprentices, whose education commenced by copying writs ; for the system of apprenticeship made all learners begin with the most rudimentary details of the intended trade or profession.

Of those old Inns of Chancery most are now demolished, while those that remain have long since been set to other uses. But a visit to Staple Inn or Clifford's Inn may make it easier to understand the self-contained, and often boisterous, collegiate life which went on in these informal seminaries of legal learning. Thavie's Inn, from which the little band of migrating lawyers came to the Temple in 1349, has long since disappeared. Thavie, himself, a worthy armourer, died in that same year of the migration, and in his will he speaks of the lawyers who *were* his tenants, but had gone away, which rather points to the fact that the move to the Temple had been made in the time of Thomas of Lancaster. But Thavie's Inn continued to harbour students of Chancery for another hundred years, and possibly longer. Writing in the seventeenth century, Sir George Buck, who was Master of the Revels at the Court of James I, recalls his youth thus :

" I must and will begin with Thavie's Inne, for besides that at my first coming to London, I was admitted for probation into that good house, I take it to be the oldest Inn of Chancery,

at least in Holborn. It was before the dwelling of an honest citizen called John Thavie, an armourer, and was rented of him in the time of King Edward III by the chief professors then of the law . . . but since that time it was purchased for the students and other professors of the law of Chancery by the teachers of Lincolns [Inn], about the reign of King Henry VII, and retaineth the name of the old landlord or owner, Master Thavie."

Lyon's Inn, which the middle-aged may still remember in the labyrinth of Wych Street and Holywell, was originally " a guest inn or hostelerie held at the sign of the ' Lyon,' and purchased by gentlemen professors and students in the law in the reign of King Henry VIII, and converted into an Inn of Chancery." Sir Edward Coke was a student there in 1578. It never seems to have been among the more important inns, even of Chancery. In later days it achieved notoriety as the home of Mr. Weare, ex-waiter and betting man, who was murdered near Radlett, in Hertfordshire, by Thurtell, in 1824.

Presently we begin to hear of legal colonies under the name of Inns of Court. By the beginning of the sixteenth century, the practisers and students of the law in London were scattered over four Inns of Court, namely, Inner Temple, Middle Temple, Lincoln's Inn and Gray's Inn, and ten Inns of Chancery, the latter including

Clifford's, Clement's, Chester's (or Stroude), Furnival's, Mackworth (or Barnard's), St. Mary's (or Newe), Thavie's, and Lyon's Inn.

Sir John Fortescue, the Lancastrian Chief Justice, writing "In Praise of English Laws," during his banishment with his master, Henry VI, while Edward IV was on the throne (1461-70), says :

> There belong to it (the Law) ten lesser inns and sometimes more, which are called the Inns of Chancery (*Hospitia Cancellariæ*), in each of which there are an hundred students at least, and in some of them a far greater number, though not constantly residing. The students are, for the most part, young men ; here they study the nature of Original and Judicial writs, which are the very first principles of the law. After they have made some progress here, and are more advanced in years, they are admitted into the Inns of Court (*Hospitia Curiæ*), properly so called ; of these there are four in number. In that which is the least frequented there are about two hundred students.

He adds :

"In these greater Inns a student cannot well be maintained under £28 a year (£500 now). For this reason the students are sons of persons of quality, those of inferior rank not being able to bear the expense. There is both in the Inns

of Court and the Inns of Chancery a sort of academy or gymnasium, where they learn singing and all kinds of music, and such other accomplishments and diversions (which are called revels) as are suitable to their quality and usually practised at Court. Out of Court the greater part apply themselves to the study of the law. All vice is discouraged and vanished. The greatest nobility of the kingdom often place their children in those Inns of Court, not so much to make the law their study, but to form their manners and to preserve them from the contagion of vice."

Fortescue tells us too much. He is trying to teach us to run before we can walk. A single authentic contemporary extract showing when and how the Inns of Court drew away from the Inns of Chancery, and why in time these latter became satellites of the former, would illuminate a good deal of darkness. That information is wanting, and we are thrown back on such positive statements as form the contribution of Waterhouse, the commentator on Fortescue. In defining the Inns of Court, he calls them "Hospitia Majora, such as receive not gudgeons and smelts, but the polypuses and Leviathans, the behemoths and the giants of the law." To use the illustration furnished by a more modern writer* : "The

* Mr. J. C. Jeaffreson : "A Book about Lawyers" (1866.)

Inns of Chancery for many generations maintained towards the Inns of Court a position similar to that which Eton School maintains towards Kings at Cambridge, or that which Winchester School holds to New College at Oxford. They were seminaries in which lads underwent preparation for the superior discipline and greater freedom of the four colleges." Mr. Inderwick chose an analogy from his own Sussex home, and spoke of Inns of Chancery attaching themselves to an Inn of Court, as "becoming limbs of that Society," and occupying towards it "somewhat of the same relationship that the smaller seaport towns of the Kent and Sussex coast bore to the more important Cinque Ports." Yet a third parallel may be cited, the relations between certain colleges and halls at Oxford.

Why this pre-eminence arose we must leave in darkness. Perhaps it was due to some great teacher, whose name has never reached this generation, or to half a dozen wealthier members, or to a reputation for training and producing more successful pleaders, or even to a desire to study and discuss branches of law, including the art of expression, a little freer and wider than the formal jargon of writs which must have formed the foundation of legal education in the Inns of Chancery. One reason may be as likely as another, but some such there must have been

why the little band of already associated lawyers turned their backs on Thavie's Inn and Holborn between 1320 and 1347 and sought larger and altogether more important premises on the banks of the Thames. And some such reason there must have been why to-day the two Temples and Lincoln's Inn and Gray's Inn remain while the Inns of Chancery have vanished into the past.

Perhaps it may be convenient here to add a final word as to the relationship which grew up in the century which followed this migration of 1347 between each Inn of Court and the Inns of Chancery, which became ancillary to it. By the end of the Middle Ages we find the system more or less complete. "Some of the latter were attached to, some were independent of, but each and all of them fed the four Inns of Court."* But it should be mentioned that higher admission fees were charged at every Inn of Court to students coming from Inns of Chancery, over which it had no control, than to students who came from its own primary schools.† Accordingly the Inns of Chancery passed from time to time into the company of the Inns of Court such of their number as were duly qualified for admission by length of residence and by such amount of legal knowledge as could be acquired by attendance at moots and readings in their various halls. "If the reader bear in mind,"

* Inderwick. † Jeaffreson.

writes Mr. Jeaffreson, " the difference in respect to age, learning, and privileges between our modern public school boys and university undergraduates he will realize with sufficient nearness to truth the differences which existed between the Inns of Chancery students and the Inns of Court students in the 15th century. . . ." The actual relationship between the larger and smaller institutions was even closer than that implied in the passage of students from one to the other. The Inn of Court appointed readers (instructors) for its Inns of Chancery, settled the precedence of their principals, and called them sharply to account for any dereliction of duty. Clifford's Inn, Clement's Inn (Strand) and Lyon's Inn were the three Inns of Chancery appurtenant to the Inner Temple.

III. PRE-TUDOR DAYS

FOR more than one hundred and fifty years we have no direct internal mention of the lawyers in their new home by the Thames. They went there a few months after the Battle of Crecy, and about the time of the surrender of Calais, which was to remain in English hands until, as she told us, its loss wrote its name in letters of blood within Queen Mary's heart. Two years after their migration, England, and London, came under the clutch of the Black Death, long stalking through Europe. One may imagine that the lawyers not unwisely fled before it, as in later years they vanished before the many visitations of the plague. In their own domain many vital things are happening. The separate equitable jurisdiction of the Chancellor in the Court of Chancery is definitely recognized ; while the great statutes of Praemunire, with their severe penalties against those who prosecuted suits in the Court of Rome, strengthened the layman's hold over the legal profession.

The references to the Temple and its new inhabitants during this century and a half are rather oblique or external. Chaucer, who was a member of the fraternity, has a reference to its cook and benchers in a stanza, which has been often quoted in disputes concerning the priority of either Inn, a question which may now be said to be definitely settled by the conclusions of

Mr. Inderwick and of Mr. John Hutchinson, many years Middle Temple Librarian, whose researches in the history of that Society entitle him to speak with authority. Though they reach it by different roads of reasoning, both Mr. Inderwick and Mr. Hutchinson arrive at the same result.

For it is not until the lawyers had been in their new home a hundred years that we get direct evidence of two Societies. These are to be found in the Paston Letters, that grim and even repellent picture of the dying years of the Middle Ages. In November, 1440, Robert Repps writes to John Paston, ". . . resorte ageyn on to your college, the *Inner* Temple." The Petyt MSS., now in the Inner Temple, the life work of William Petyt, the antiquary, who was Treasurer of the Middle Temple in 1701, and Keeper of the Records in the Tower of London, places the division of the colony of 1347 into two Societies of the Inner and Middle Temple in the reign of Henry VI, by which time the lawyers "were multiplied and grown into soe great a bulk as could not conveniently be regulated into one Society, nor, indeed, was the old Hall capable of containing so great a number, whereupon they were forced to divide themselves. A new Hall was then erected, which is now the Inner Temple Hall, whereunto divers of those who before took their repast and diet in the old

Hall resorted, and in process of time became a distinct and divided Society."

In commenting upon the above, Mr. Inderwick thinks it is likely that the division of the old house into two parts began not long after 1381, when Wat Tyler's insurrection selected the home and the property of the lawyers as a special object of vengeance. That worthy and his followers destroyed the buildings and burnt many documents which the lawyers had in their custody. The rebuilding of the various houses, Mr. Inderwick suggests as a reasonable period for the commencement of the division. He adds :

> Whenever this separation was actually effected, it probably arose from necessity, was of gradual accomplishment, and was not carried out in anger, but in goodwill. The Inns of Court were and are voluntary associations without Charter or Incorporation, and at liberty to change their rules, their locality and their individuality as they think fit, so that a division of the property of the Society into two portions could be effected without any charter or writ. And, in fact, no deed of partition was entered into until the rapid growth of the two Societies rendered it necessary in November, 1732.

Illustrative of the happy-go-lucky fashion in which the chambers must have been divided up between the two Societies, and perhaps even

more significant of the very curious relations between the Societies and their members regarding the construction of new premises, to which reference will be made later, down to the seventeenth century there were buildings in the Temple where some of the chambers belonged to the Inner and some to the Middle Inn, so that the residents on the ground floor were tenants of one Society, while the occupants of the first floor were tenants of the other. Mr. Inderwick sums up :

" Neither Inn can fairly be said to be older than the other, for they both sprang from a common stock, and the division of their estates was as between co-heirs and not as between purchasers."

Mr. Hutchinson,* while preferring the " never-one " theory, which he claims has the merit of harmonizing more fully than any other with the few facts left for our guidance, decides that " both claims (to greater antiquity) are based upon what are little better than pure speculations. . . . The history of the Middle Temple, though dating in its most authentic form, as has been said, from the commencement of its Registers in 1501, may be traced back to a Society existing before the occupation of the Temple, which,

* " Middle Temple Records." Edited by Charles Henry Hopwood, K.C. (1904). An inquiry into the origin and early history of the Inn by John Hutchinson, Librarian.

side by side, and simultaneously with the Society now known as the Inner Temple, took up its residence there, and became a co-tenant of its grounds and buildings."

IV. THE RECORD OF BOTH HOUSES

THE records of both houses begin in the last years of the reign of Henry VII. The Wars of the Roses, which, if we may accept Shakespeare's history, took their names from white and red roses plucked by rival leaders in the Temple Gardens, were over. The Middle Ages had come to an end. And the first great movement of modern times, here as elsewhere, was the growth of personal sovereignty, which was to provide plenty of work for lawyers, both in the courts and in their own habitations. For the two hundred years covered by the published records, we find the domestic life of either Inn curiously intertwined with palace and history. Members of the Society are hailed before the Star Chamber for recusancy; while the next entry to that which records their fate mentions minor delinquents, whose names are screened in hall by a long-suffering butler, for persistent evasion of their bills for commons. Through the same yellowing pages stalk the grave and majestic figures of judges and law officers whose names are still famous, and plain Mr. This and That, obviously high-spirited and youthful, who *will* vex their rulers by drinking beer at the buttery hatch, and are threatened with expulsion for breaking benchers' windows or putting itinerant tradesmen under the pump.

It is a curiously complete Society that meets

our gaze at the beginning of the sixteenth century. And in speaking of one it is permissible for the moment to mean both. In their constitution and functions both Inns are more or less identical. First come the benchers, then as now the governing body of the Society. Like the Venetian Republic, they were, and they remain, co-optive, electing to their own numbers such of the barristers who form the main body of the Inn as are distinguished by success in their profession, or many years' membership, or even by their deeds in the larger world outside. One member of the Bar who periodically passed to the Bench was the Reader, a figure at once important, and not a little mysterious, in the life of the Inn. If that fraternity in ancient days could be likened to the contemporary university, which it could not except superficially, then the Reader might be approximated to the Dean of Studies. He was required to read or lecture a specified number of times on legal subjects, and to preside over the moots, which were the discussions that qualified the students to become barristers and hold themselves out for practice. After the Treasurer, who was, and remains, the chief executive of the Inn for his year of office, the Reader was the most important man of the Inn. He is no longer. Gone are his privileges with regard to the admission of members; gone, too, happily for him, the Reader's feasts,

at enormous expense, which formed not the least important function of his office. The books are full of entries relating to barristers chosen for this duty who shy at the expense and prefer to escape the honour by payment of a heavy fine. The Reader was in due course called to be a Master of the Bench, and hung his escutcheon or coat of arms on the walls of the Hall. The earliest of these escutcheons in the Inner Temple Hall is that of Thomas Littleton, a Reader in the time of Henry VI, and Justice of the Common Pleas under Edward IV. To him some slight reference will be made later in these pages. With Coke and Selden from later generations, he may be said to form the trio who have shed the greatest lustre on the Society, whose existence their joint lives have spanned for over two hundred years.

The rank and file of the Inn were the barristers, outer and inner, and the clerks commoners, gentlemen recently admitted from an Inn of Chancery. These latter were the students of modern times. In due course they were "called" or "tolted" to master commoners' table, and so on up to the Benchers. But the progress took a great number of years.

At first sight it looks like a collegiate university. In reality it is something quite different. The life in rooms, shut off from the outside world, the obligatory meals in hall, the attendance at lectures by the readers, all these might have

gone on by the banks of the Cam or Isis. But there the analogy ceased. In the college, the governed and the governors were divided by a gulf which was never bridged. Each generation of youth came, spent their three or four years of training, and went their way. At the Inn of Court, governed and governors were knit by one never-ending chain. The bashful boy from the Inn of Chancery to-day was the roystering master commoner of to-morrow, the pompous and aggressive barrister of a few years hence, and at last the grave and mellowed bencher, who had learnt to be lenient. It was in truth one of those oligarchic republics, a benignant despotism tempered by cat-calls, such as are to be met with through the Italian peninsular during the Middle Ages. As we have seen, there were no charters or royal programmes of incorporation, such as the colleges and famous schools were receiving from one sovereign after another to direct their future existence throughout the centuries. Everything here was haphazard and tentative. In the most important function of all, the qualifying of students to become barristers fit to practise, the Inns seem to flounder along, making the same rules again and again, generation after generation, as though no one ever took the least notice of them. Every now and then the Court lent a hand ; and, as we shall see, Philip and Mary, not the most agreeable of our earliest

modern monarchs, made not the least valuable provision in ordering the legal status. The judges supplied their periodical contribution, while the Inns themselves, of course, filled in the background. As Mr. Inderwick points out, "the system of test by examination was then unknown, and the only qualification seems to have been that the student should have spent a certain time in the Inn and have taken part in a certain number of moots." But one may wonder that the example from elsewhere did not succeed in substituting for the laborious tale of dinners and terms, at least in part, some form of examination until the middle of the nineteenth century.

Perhaps the complete narrative of the history of the qualifications for legal status, so far as they concerned the Inner and Middle Temple, may be quickly told.

The part of the Crown and the Judges in making the lay lawyer dates back to the earliest moment of the profession. Ever since the institution under Henry III of the permanent court for hearing Common Pleas at Westminster, as required by Magna Charta, there had been colleges or hospitia for persons studying or practising the law in London. And in 1292, Edward I directs the judges :

"to procure and appoint a certain number of attorneys and apprentices of the law from every county, of such as seemed to them the best,

worthiest, and most apt to learn, so that the King's court and the people of the kingdom should be better served, and that those so chosen should follow his court and be present therein to conduct affairs, and no others."

In the last years of Queen Mary, about the time that Cranmer was burnt at the stake and Calais was lost back to France, came one of the first landmarks in the status of the legal profession. In 1556 and 1557, at Parliaments (the name for the more formal assemblage of Benchers) held at both Inns, that no attorney should be admitted to the Inn, and that in all future admissions it be made a condition that if he practises attorneyship he be *ipso facto* dismissed, but have liberty to repair to the Inn of Chancery whence he came, or to any other such Inn if he were member of none before.

That division into barristers and attorneys or solicitors has never been altered down to this day, although the repetition of the rule through succeeding centuries leads to the suspicion that it was not infrequently broken. And in the distinction between the two branches, lawyers of this country differ from the custom which prevails in the greater part of the English-speaking world.

But the changes in legal status and instruction, initiated by Queen Mary, do not stop at the attorneys. On June 22nd, 1557, the orders were

issued for observance by the four Houses of Court. They are a queer mixture of clothes and legal training.

Briefly summarized, in conjunction with rules made by Elizabeth and James I, they indicate what was needed to make a barrister in Tudor and Stuart times, and how an orderly member of the profession should conduct himself.

Twelve years' practice as a member of the Outer Bar is demanded before a man could plead before any court, though during that time he might advise his clients. Later on that period of probation is changed to five years. Also there are Inns-of-Chancery qualifications to be fulfilled before a student could be admitted to an Inn of Court, and rules as to attendance on lectures and moots at the latter institution before a candidate could pass to the barristers' table. Another "sine qua non" of the practising barrister was the tenancy of a chamber or part of a chamber in an Inn of Court; while what seemed of almost equal importance to sixteenth-century rulers was that the gentlemen of the various Inns should keep themselves properly shaved, should wear decent and quiet garments, and should refrain from going into the town in the negligent costume suitable, perhaps, for the informality of their own chambers.

Troubled as English history was through the years that followed, it is strange that more than

a century was to pass before the lawyers appeared to re-awaken to the problem of legal education. In 1733, Grays Inn and the Inner Temple, between which societies there had always existed a strong connection, exchanged their qualifications for calls to the Bar. They appear to have been identical, and may be summarized as follows :

Five years admittance ; sixteen terms commons and four vacations ; each member to have a chamber in his own right in the Society, and to hold the same for at least three years after his call to the Bar, or to pay £20 to the Society in lieu thereof ; to perform six moots ; to receive the sacrament and take the oath to the Government and to discharge all arrears of duty and give new bonds.* In 1798, in common with the other three Inns, the Inner Temple Benchers pass a formal Act of the Bench Parliament that no student can keep a term in order to his being called to the Bar without being present in Hall at least three days in such term at the time when grace is said after dinner.† At the same time, it was explicitly agreed that each Society should be at liberty to make its own rules as to the keeping of terms.

But the new era accepting the principle of compulsory public examination for calls to the

* Bench Table Orders, Inner Temple.
† Parliament Acts, I.T.

Bar did not arrive until half a century later—April 17th, 1857. In 1860 an improved and enlarged system of legal education was agreed upon. That system, modernized in some of its details but the same in structure, continues to-day.

It may be added that the English Bar, reversing its practice of more ancient times, is open to the citizen of any country who enters an Inn of Court and qualifies in the prescribed manner. In that regard, England is probably unique.

V. THE LIGHTS AND SHADOWS

TO those reading the records of the two Societies during Tudor and Stuart times, there is conjured up the picture of a vivid common life, often boisterous and turbulent, nearly always genial, save during the visitations of the plague. The business life of the youth of the place can soon be told. In term time they attended the courts, like medical students walking the hospital wards, and learnt law and practice by listening to the cases argued before the judges. In vacation time they frequented their own inns, listened to the reader's lecture ; practised their own powers of advocacy in moots, or legal debates, with one another or their seniors ; studied in their chambers or in the law libraries of lawyers who had risen to eminence.

But it must be confessed that their activities did not stop at the study of the law. Fortescue's description of an earlier period remained true certainly down to the Civil War. ". . . upon festival days, and after the offices of the Church are over, they employ themselves in the study of sacred and profane history." Also, one may add, in the elegant accomplishments of the time, including not infrequent recourse to weapons, with which youth in this place seem to have been as ready as with law books. Christmas time, especially, appears to have been the opportunity

for the "Bloods," until at last the Benchers broke up the common life at that season by a series of orders which had to be repeated many times before becoming effective. Disorders usually took the form of smashing open church doors, both within and without the House, and making outcries in the night with drums and horns.

The Benchers checked these ebullitions by forbidding "commons," in other words, temporary dispersal. The year 1556, at the full flood of Marian persecutions, would seem to have been a very tempestuous time in the Inner Temple. Not only were the Outer Bar pretending to the right to call members to the outer bar, a pretension which is very drastically repudiated in an Act of the Society's Parliament, but at the Parliament held on All Souls' Day of that year, the following melancholy entry has to be made :

> Memorandum: where of late misdemeanours and disobediences have been committed by the company of this House under the bench, for divers considerations being called by the benchers of this company for the time being in the last reading vacation, and there obtemptuously using themselves to the said benchers, whereof were eight principal doers. For which wilful demeanour and disobedience to the said benchers, they were committed

> to the Fleet, and were worthily expelled the fellowship of this House. Since which time upon the humble suit and submission of four of the said eight . . . made unto the Benchers of the said House, it is ordered and agreed by authority of this parliament that they should be remitted into the fellowship of the House and into Commons again.

All four of the forgiven ones rise to eminence in the Inn, though one of them gets into trouble, some years later, with the Privy Council, as a recusant. A short time after this disturbance of 1556, eight more Inner Temple barristers were sent to the Fleet for wilful demeanour and expelled. Four of these were afterwards forgiven. Three of these latter are heard of no more. The fourth, who had previously been fined for wearing a beard, became a Bencher and rose to high position in the law.

Again and again one cannot but admire the lenience of the rulers of these little commonwealths. Time after time the records contain entries to the effect that this member or that has been expelled " without any prospect of forgiveness " for an aggravated assault (generally with a sword or dagger) upon a fellow-member ; or contumelious behaviour to a townsman (generally with a pump) ; or organized rebellion such as is described above. Yet, presently, we find the expulsion withdrawn ; and, often as not, later

pages record that the forgiven one has risen to high position in the Law or State. By the days of Charles II, things may have altered for the worse in this respect. The Benchers of the days of Elizabeth and Charles I, who remind us of contemporary Dutch burghers, substantial and serene, tolerant and ready to compromise, may have taken their colour from the harsh arrogance of Restoration times. Walter Scott has drawn, in the closing pages of "Peveril of the Peak," a deathless picture of that corrupt social state. The swaggering Buckingham in his riverside palace may have had lesser imitators in Benchers grown supercilious, among his neighbours eastward ; though it is not easy to credit the alteration in less than fifty years.

One sixteenth-century Inner Temple entry tells us not only of the blow on the ear given by one member to another, but the reason, namely, because the assaulted barrister had, in the course of his professional duties, counselled some client to arrest the assaulting member's brother for debt. The Benchers, in fining the offender five marks and allowing him to come back into commons after a suspension lasting for a quarter of a year, dwelt on the importance of the offence and its perilous example ; warning the individual in this instance that any further misconduct of the kind would mean instant expulsion.

And then on Feb. 9, 1597-8, there comes in

the Middle Temple Records,* a word picture of a quarrel which is well worth quoting fully :

> While the Masters of the Bench were quietly dining in the public Hall, one of the Masters of the Bar, in cap and gown and girt with a dagger, his servant and another with him, being armed with him, came into the Hall. The servant and the other person stayed at the bottom of the Hall, while he walked up to the fire-place and then to the lower part of the second table for Masters of the Bar, where another barrister was quietly dining ; taking from under his gown a stick which is commonly called a " Bastinado," he struck the other on the head with it, till it broke, and then running to the bottom of the Hall he took his servant's sword out of his hand, shook it over his own head, and ran down to the water steps and jumped into a boat. He is expelled never to return.

Actually the expulsion lasted until 1601, when the wrongdoer made a public submission in Hall immediately after dinner, especially asking his victim's pardon. He rose to great distinction, indeed, living to be appointed Lord Chief Justice of the King's Bench, but dying before his installation. He is described as a high-spirited young man, which may account

* " Calendar of the Middle Temple Records."

for his assault on his learned friend, coupled with the latter's known love of raillery and invective.* The latter survived to become Recorder of London. And, to give a last entry of this doleful kind, in 1600, one Middle Templar was fined £10 and expelled for striking another, in the Hall, with his dagger and giving him two wounds in the head. He was restored in 1601, and we are told that he lived to reach an honourable position in the law.

In a later age the offences grew less indicative of high spirits and indeed less pleasing. But then they grow likewise much more rare. In the later eighteenth and earlier nineteenth centuries the Inner Temple Bench Books contain references to isolated cases of breaches of professional etiquette, and in two instances to convictions for forgery followed by transportation. Here, and one might add very naturally, the lenience of Elizabethan and Stuart times is not repeated, and the expulsion is permanent.

A more domestic side of the turbulent character of the youthful member of either House was his reluctance to pay his bills. The Records of both Societies are filled with complicated machinery for shaming the backward into greater punctuality.

Well into the eighteenth century we find an Inner Temple Bench Table Order that "the

* Mr. Hutchinson.

names of such of the members of this Society that are above £5 for Comons and shall not pay the same on or before Thursday night next be skreened." And even in 1818, when both Inns were coming into the direct ownership of their own property, and were beginning to awaken to the value of the yearly rent roll, arrears for Commons figure as an appreciable item ; though with the gradual passing of their collegiate character, that difficulty of both societies was to vanish away.

Also the domestic disturbances over the menu have a place in the records of either House, both of which had their victualling worries.

In truth, the fare provided at " Commons " plays a great part in the literature of the Temple through the years, no doubt as the outward and visible symbol of the common life. But the advance of modern civilization is apparently not without its effect. The spacious days of Queen Elizabeth, with regard to victuals among other things, might be looked for in vain under the less spacious sceptre of George II. In 1730 their comes a plaintive cry from the Chief Cook of the Inner Temple for an allowance in lieu of the " rumps, kidneys and suet of the loyns of mutton—which are now entirely taken off and were anciently the best perquisites belonging to his place." And in 1735, just before the Porteous Riots, in Edinburgh, the barristers of the same

Inn request that the Wednesday menu of boiled beef and roast mutton shall be changed to boiled mutton, roast fowl, greens and asparagus. In 1817, one ; in 1818, two bottles of port wine are to be furnished to the Bar mess, every day in term from the cellar of the Masters of the Bench.

But the common life of hall and garden is dead. The students keeping their three or six dinners each term as a duty ; the busy barristers well away to their homes in South Kensington, Knightsbridge and Belgravia, a good hour before grace ; the Benchers mustering, save on Grand Nights, in their meagre sixes and sevens, are but a poor substitute for that bustling company of grave seniors and cheerful juniors, the latter occasionally throwing pots. The impecuniosity of youth where it exists to-day is at least more decorous. The happy-go-lucky method of paying for Commons afterwards, and as one could, has long ago vanished. The Inns are rich and make no more bad debts. The sword and the dagger have no longer any place in Hall, yet a milder generation has passed, not without honour, through the most terrible ordeal that this poor human world has ever known.

VI. THE VICISSITUDES OF THE HOME

IF the cobbler's children are ever the worst shod, and the watchmaker's household never knows the time, it may be said that the lawyer's tenure of his home on the banks of the Thames was of the most haphazard kind. The first transaction with the Knights Hospitallers in the middle of the 14th century was simple. The buildings, other than the ecclesiastical portion, were let to the lawyers at the sum of 20 marks per annum, a rent regularly paid to the Treasurer of the Order until shortly before its dissolution in the reign of Henry VIII. The Hospitallers reserved,* however, for themselves the church (with chapels attached) and such tenements as they required for their own use ; also retaining in office the "Master of the Temple," an ecclesiastical functionary who, under the Prior of St. John, had the supervision of the church and the portions appertaining to it. "He had no jurisdiction, as far as can be ascertained," says Mr. Inderwick, over the members of the Inn, "except in so far as concerned their spiritual or moral welfare." Originating from these times, then, there was to grow up a species of Imperium in Imperio, culminating in controversy with at least one Master, which was to cause the two Societies endless trouble. The story is told fully in

* Inderwick.

the Records ; and to those pages the student who delights in the everlasting modernness of the ancients, especially in the regions of controversy, may with confidence be referred.

A few years before the Hospitallers disappeared, the rent of 20 marks (£13 6s. 8d.) was changed to £10, probably in the case of each Society which undertook from thenceforward to pay for its own repairs. The Inner Temple reference is not without a delightful touch, especially in the tail :

> Memorandum, that at this Parliament (held on Sat. Comm. of All Souls 1521) Anthony Babyngton, late treasurer, delivered to John Baldwyn, now treasurer, this book, and for a special remembrance what is the rent for the Inn aforesaid henceforth due to the lord the prior of St. John of Jerusalem in England, he notifies to the members of this parliament, that whereas the rent of the House of old time was 20 marks, the said late treasurer agrees with the said prior that from henceforth it shall not be above 10 £i upon this condition that we should make the repairs at our pleasure, so that he should not allow us any repairs Which agreement they (*sic*) cordially accepted because the said prior would with grave reluctance and great difficulty allow any repairs, and made many complaints that we occupy his lands against

his will. And now by paying the said annuity of 10 £i we are for ever quit, God willing.

Beyond such optimistic entry, which unfortunately proved a little premature, there were no documents as evidence of this new, or of any, arrangement. After the dissolution of the monasteries the two Societies continued in undisturbed possession of their home, with only this difference that the rent was now paid to the Crown instead of to the Prior of St. John. The Master's house and its surroundings, composing part of the ecclesiastical portion, were leased by the Master, William Ermestead, to Sir John Baker, Speaker of the House of Commons and a Bencher of the Inner Temple. The remainder of the ecclesiastical portion, including certain chambers, was retained by the Master for himself and his assistants.* All seemed secure and peaceful. But the Societies were to be subjected to a rude awakening, which may be told best in the following words† :

"Touching these houses or Inns of Court whereof we now treat, they remained in the King's hands during all his life-time and from him descended to King Edward VI, from him to Queen Mary, from her to Queen Elizabeth, and from her again to our late Sovereign, King James. During all which time the professors

* "Inner Temple Calendar." † Petyt MS.

and students of the common law held the actual possession thereof as tenants only at will and by permission of the several princes. And albeit they had no other estate therein, yet they beautified and enlarged their several houses, with divers goodly and fair buildings as if they had been absolute owners or proprietors thereof, and never sought to gain any firm or sure estate therein, which certainly proceeded from the confidence they had of the Prince's favour : for I can hardly be drawn to believe that so many grave judicious and learned men would all be overseen in a matter of so great weight and moment unto them. But they were roused from this security about the beginning of the reign of his late Majesty King James at what time the weakness of their title was discovered unto some who, as is constantly affirmed, meant to make a benefit thereof by begging of the same of his sd. Majesty. But the design was soon crossed by the humble suit made by both Societies unto his Majesty, who was therefore pleased by his Highness letters patent under the great seal of England, bearing date at Westminster the 10th day of August in the 6th year of his Majesty's reign of England, to grant the same in fee farm unto the then Benchers of both houses and their heirs for ever."

The grant was in return for a yearly rent from each Inn of £10, and included the convey-

ance to both Inns jointly the church with the rest of the ecclesiastical portion of the Temple, with all the rights and jurisdictions held by the Knights of St. John, save that the Crown reserved the right, which it still retains, to appoint the Master. The stipend is borne jointly by the two Societies, who also have to provide him with a suitable house.

It may be added that this act of royal complaisance was not obtained for nothing. A stately cup of pure gold weighing 200½ ounces (valued about £666 13s. 4d., or about £3,500 present money) was given to the king by the two Societies, "in token of thankfulness for this princely donation." A description of it at a later date relates this account of it :

> One cupp of goulde, with a Cover graven on the Body, with an Alter and an Inscription over itt (*nil nisi vota*) and the similitude of a Temple graven with a Peramides on the Topp of the cover and a harnised man on the Topp thereof holding an Antique Shield in his left hand. Weighing two hundred ounces and a halfe.

The above passage quoted in the Calendar of Inner Temple Records may be regarded as a sort of auctioneer's entry. For by the time it was written (1625) James I was dead, and the needs of his son and successor had become such that anything capable of being turned into ready

money did not remain long in the royal possesion. Crown jewels and royal plate, among the latter the Benchers' cup, were despatched to be pawned in Holland. The cup was never redeemed ; and in its original shape it has never since been traced. The property thus granted to the two Societies under the patent of James I was afterwards purchased by them from the Crown, in 1673.* In 1732, an elaborate deed of arrangement and partition between the two Temples, with map of the exact territory of each, was prepared, and is the lasting decisive authority on the subject of what belongs to either.†

Certainly the Societies were justified by faith. For a capital outlay of under three thousand pounds, the two of them, they now possess property with a yearly rent roll of surely not less than a hundred thousand. But many centuries elapsed before its value matured, and before they seemed to grasp how to make the most profitable use of it. There is this to remember, however, that neither Society was rich, or possessed anything in the nature of revenue or accumulated funds. They just paid their way and no more by "pensions," a periodical tax or contribution levied on all their members as necessity arose. There were the receipts from "Commons,"

* Report of the Inns of Court Royal Commission, 1855.
† "Middle Temple Records." Edited by Charles Henry Hopwood, K.C. 1903.

though whether there was any surplus from this source is far from manifest. Another means of revenue, which from the multitudinous references in the records may have been more productive, was the system of fines levied on members of the Society who preferred thus to escape the onerous duties of reader, and not least the heavy costs of entertainment which those duties entailed. The assessment of the fines on the officers for Christmas for not appearing must likewise have brought grist to the mill, though such fines were not infrequently excused. One such occasion leaves a permanent memory. At an Inner Temple Parliament held on 20 December, 1611 . . . "Warneford is excused his fine for the cause contained in a letter from him to the treasurer, dated at Hankerton, 9 December, 1611, stating that he hopes to be excused serving the office of butler, for that he is 'now not one year less old than three score and ten years, which the books of the House will testify,' for he was admitted 'as a poor fellow of the House in the very last grand Christmas there kept, now fifty years since or near thereabouts.' He has served his sovereign and country as a poor justice of peace and quorum for forty years, and has 'not given up keeping of a poor house one day all that space,' and now his age may make him say, *Non video pure, mihi nil sapit, audio dure, deficit olfactus, sum sequis* [sequins], *ad omnia factus,*

and if he took the journey and executed the office it would surely shorten his days." Surely all the pages of Walter Scott contains nothing better.

When there were special calls upon the purse of the Society, as for instance in connection with the building of the Middle Temple Hall, in the reign of Queen Elizabeth, or towards the expenses of the gold cup which bought their patent, recourse was had to the generosity of individual members, who advanced in the latter instance some £300, on the understanding that the members of the Inns would repay them, as was done by means of a double pension. When new buildings were needed, the activities of the individual bencher or barrister who was fortunate enough to be wealthy, came into especial prominence. The procedure was for some such member to undertake the cost, in return for which he was granted chambers in the building thus erected rent free for his life, with varying powers to assign chambers to relatives or friends or to tenants purchasing direct. A life and two assignments is a phrase met with over and over again in the course of the records, and good care seems to have been taken that such a description should be made to cover the longest possible period. An additional inducement to these private benefactors was the right to call the buildings erected by their munificence, after their own names ; and Mr. Inderwick quotes in this

THE HALL MIDDLE TEMPLE

regard, Packington's Rents, Fuller's Rents, Harrison's Rents, Bradshaw's Rents, Cesar's Buildings, Crompton's Buildings and Hare Court, the last-named of which alone remains to this day.

It was only when these rights had passed that the Inns came into possession of the buildings erected in this way. Consequently, in many cases, for a century and a half, a building which stood within the freehold of the Society was valueless as a revenue-providing asset to the corporate body. Even after the rights had fallen in, the Society made haste to dispose of the tenancy for another life. In 1781, a committee, appointed to consider the best way to insure the property of the Inner Temple, divided it into :

First, the Chambers whereof the entire property belonged to the Society ;

Second, those where there is a life in being thereon but owners have agreed to sell ;

Third, where there is a life in being without intention to sell ;

Fourth, where there is a life and assignment, or greater interest.

But even then the Inns seemed to be content to perform the functions of a land registry rather than that of a direct landlord ; and it was not until early in the 19th century that the principle of renting chambers came to be recognized. On June 5, 1818, the Inner Temple records state :

> Upon consideration had of the disposition of Chambers in future within this Society, ordered that this Society do retain the possession of all Chambers as shall fall in by death and let the same. And it is further ordered that the Society do purchase such Chambers as the proprietors thereof may be disposed to sell.

No better illustration of these building methods can be found than in the vivacious account given by Roger North of the rebuilding of the portions of the Middle Temple, destroyed by the fire of 1678. In his "Autobiography" [edited by Augustus Jessopp, D.D. David Nutt, 1887], he states that the proprietors of the chambers in his Inn had no instrument or title, but an *admissus est* by the Treasurer, whereupon they paid a fine to the Public Society. This was for the life of the person admitted.

After the Middle Temple fire of 1678, the "Burnt Interests" set to work of replacing their vanished premises. North states: "It was pleasant to see how intent the gentlemen were upon their own concerns, promoting the work and expostulating at every delay, nay, sometimes scarce forbearing violence to the workmen and to one another. For they were apt to quarrel to have bricks, etc., carried to their respective works: sometimes much of it stood still, which put the concerned out of all patience."

This fire broke out in chambers in Pump Court, at about 11 p.m. on January 26, 1678. It consumed Pump Court, Elm Tree Court, Vine Court, Middle Temple Lane and part of Brick Court. The original cause, it was said, was a flaming lump of sea coal fire tumbling into the room upon the hot deal boards next the hearth ; though there were plenty of people ready to catalogue it as one of the ramifications of the Popish plot. "The fire was extremely furious," the "Autobiography" continues, "for it was in a hard frost, which had dried all things, and bound up the waters, which would have been employed to have stopped it, if possible. And the chambers where the fire took were all wainscotted, and cut out into small conveniences with deal, than which nothing is more combustible, and all accompanied with a strong dry wind, out of the north, made such a despatching conflagration as is rarely seen.

"About mid-night the Lord Mayor and Sheriffs came down, but the gentlemen of the Inner Temple affronted him, not owning his authority there, according to old tradition among them, and would want his help rather than connive at such a precedent to be made in derogation of their liberties, whereupon they beat down the sword, and would not permit it to be borne erect." This was the continuation of a long feud which fills many pages of the Inner

Temple annals. On this occasion some of his lordship's companions were quite ready to retaliate, giving the kind advice, according to Roger North : " Let's blow 'em up round, and save Fleet-street."

Twelve years earlier the Inner Temple had suffered in the great Fire of London (1666). Lord Clarendon tells us the lawyers were mostly from home ; that those in Serjeants' Inn and adjacent premises in Fleet Street lost many valuable deeds, while subsequently it was known that the Templars themselves would not suffer any absent man's goods or papers to be removed, it being against the law to break open any man's chambers ! A letter in the Record Office, dated Covent Garden, 4th Sept., at 2 o'clock, from J. Barker to Joseph Williamson, secretary to Lord Arlington, begs that four carts or waggons may be pressed into service to remove his goods :

> Being now escaped from the Temple with very little more than ye skin of my teeth, a greater part of my books being carried away by one called in to carry them to ye Swedish residence, where now I am till I can get a cart to proceed (for at ye Temple neither boate, barge, cart or coach is to be had ; all ye streets full of goods, and ye fire flaming into ye very Temple). . .*

" Town and Gown "—controversy, that is,

* Quoted in " Memorials of Temple Bar."

MIDDLE TEMPLE LANE LOOKING NORTH

even conflict between Templars and the neighbourhood makes a definite chapter in the history of these Thames-side Inns. A more definite one, perhaps, than appears the case with eithe of their legal brotherhoods north of Fleet Street. The reason is obvious. The traffic between the City and Westminster flowed for many ages through the Temple. With the disappearance of the Knights-Templars, many attempts were made to stem this tide. In the grant dated June 28, 1324, by which Edward II conveyed the estate to the Knights-Hospitallers, the boundaries were most clearly defined with reservation that people shall have ingress and egress from the road to the great chapel. In 1329 (Nov.) there is the record of the King's mandate to the Mayor of London, who was still administering the place for the crown, ordering him to keep open the gates during the day, so that those judges and others who had been accustomed to go from thence by water, might continue to do so. A few years later (Jan. 10, 1331) comes this definite ordinance of Edward III :

> Westminster, Whereas the King is given to understand that there ought to be a common transit by the middle of the Court of the New Temple to the water of Thames, as well for the clerks of Chancery and other ministers, as for others whomsoever wishing to go by the water aforesaid to Westminster from the

> rising to the setting of the sun, the King commands the Mayor (John de Pultney) to cause the gates of the Temple aforesaid to be kept as before was accustomed.

Even such specific commands were not enough. In 1360, the citizens complained that the Prior of St. John molested them in their passage to load or unload their goods at the Temple bridge as the stairs were called. In the reign of Queen Elizabeth, the Benchers, on a payment of £200 to the Crown, obtained permission to re-erect and keep in repair this same bridge, "and wholly discharge the Queen's Matie. her heirs, &c., from any further charge or expense concernyng the makyng, repayring, &c. of the said bridge."*

It must be remembered that until near the middle of the seventeenth century, the river was the main artery of communication between the two cities and their respective suburbs. The revolution effected by the coming of the hackney coach was almost as fundamental in the habits and lives of Londoners as the political changes through which many of them lived. In the "Memorials of Temple Bar," is quoted the curious Watermen's petition to the King, presented June 8, 1634, against this innovation:

> The hackeny coaches are so manie in number that they pester and incumber the streets and lanes of the citties of London and

* "Memorials of Temple Bar."

GRAYS INN HALL THE SCREEN

> Westminster. . . . Secondly (which is worst of all), they stand and ply in the terme tyme at the Temple Gate and at other places in the streets and doe carry sometimes three men for 4d., the man or 4 men for 12 pence to Westminster or back againe which doing of theirs dothe undue the company of watermen.

That the latter were always above reproach is not altogether apparent. In 1559, the Wardmote inquest of St. Dunstan presented "Thomas Smyth, waterman, dwellynge in Chancerye lane, for a comon anoyer of all citizens, in having recourse to the Temple Stayres and the Whitefryers Brydge, to wash their clothes."

Quite apart from the river as a means of transit, their Fleet Street neighbours appear to have used the Temple as an agreeable place in which to gossip and promenade. A writer of the time of Henry VIII complains of the noise of the people thronging the Temple, and adds: "Item, they have no place to walk in and talke and confer their lerning but in the church, which place all the terme tymes hathe in it no more quyetness than Paules, by occasion of the confluences and cocource of suche as are suterers in the lawe." And later: "In the nyght tyme they have not their portes shut, so that every man may go in and oute thorowe the house all sessons of the nyght, which is ocasion that their chambers

are often tymes robed and many other mysdemenours used."*

The Civil War broke up the common life of either Society, nor is it an exaggeration to say that during those troubled years both Temples lay derelict. Chambers, empty of their rightful owners, were appropriated by enterprising families from outside whose extrusion, on the return of tranquillity, was not easy. In 1650, when the fellows began to return, the urgent need of chambers for those who had a legitimate claim led to a number of peremptory ordinances which are not without a humorous side. In the case of the Inner Temple, an order was issued in June, 1653,† that, with a view to the house being restored to its primary institution and condition, all families and persons whatsoever should quit before the following Michaelmas, and that the clerk of the church should not, after the next Lord's Day, permit any woman to sit in any of the benchers' seats, which they seem to have invaded, but that such seats be kept solely for the benchers as heretofore.

The Middle Temple had a similar problem, possibly in an even more acute form. In 1654, there are a series of entries in the Records upon this subject. On June 2, on the earnest petition of the barristers and students, " all women and

* British Museum MS. quoted in " Memorials of Temple Bar."
† Inderwick. " Calendar of the Inner Temple."

families shall remove by 8 June," chambers of any delaying to be seized. Again on June 9 : Order removing families to be executed to-morrow. One set of chambers is ordered to be seized because the occupier was " entertaining strange women." In November comes the order : " All persons, excepting the Lords Commissioners and Mr. Attorney Hall, during his wife's sickness, who shall not remove their wives, women and families before St. Thomas's Day, shall be expelled and chambers forfeited. The same month there is an order which throws a side light on the confusion and insecurity still existing, the substitution of a new porter for the former one who :

> from age, etc., cannot too industriously keep clean the courts, look to the Gate and the House, and at least once every night walk about the courts and up every stairs to prevent robberies which have of late been often committed.

Three years later, on April 24, 1657, there is a record that a member, one of the most ancient of the Utter Bar, " . . . shall be asked what woman it is that lodges in his chamber." The reply, though satisfactory in relation to the old gentleman's morals, speaks less well for his sense of discipline. The next reference, and second and last to him, is the entry of his name, with the laconic addition " . . . to remove his wife."

By degrees the lawyers recovered their chambers. Though some of the more thrifty of them were certainly not averse to the continued presence of townsmen in their midst. As we have seen, more than a century had still to elapse before the Inns themselves directly controlled these sub-tenancies between which and themselves no privity, legal or otherwise, existed. Members complained of colonies of prolific, if otherwise blameless, families herded in attics above their heads ; and the barristers whose tenants these were would from time to time, as the Records show, be peremptorily invited to expel them.

Further inflictions from the outside world were deserted children. As late as 1740 there is an entry in the Inner Temple books, stating that two poor children having been found in a starving condition in a place belonging to both societies, arrangements were made as to their future. And in 1777, there is an Inner Temple Bench table order, "that the sub-treasurer do pay to Mrs. Wharry, nurse to the children dropt in this Society, the sum of four guineas for her additional care and expence in nursing four of the said children in the small pox last Trinity vacation." In the Middle Temple these deserted infants were so numerous as to become for many years a great cost to the House for maintenance, burial and apprenticing. "It appears," says Mr. Hopwood, "that very many had the name

of 'Temple' assigned to them. The Middle Temple seems to have been constituted a crèche for the reception of infants from heartless parents relying, and not in vain, on the benevolence of the Bench."*

A less pleasing reminder of the outside world was the plague, of which the Temple may be said to have had its fair share through the sixteenth and seventeenth centuries. The Inner Temple Records for 1513 contain two grim entries. April 27: "Memorandum, that in the first week of Easter term John Crykelade, who was at the Clerks' Commons, died within the Inn of the common infirmity, as it is said, therefore everyone is discharged from commons till the feast of the Ascension of our Lord." And again, on June 29, there is a second Memorandum, "that in the week of St. Bartholomew, John Hody, second butler, died within the Inn of pestilence. And the great plague at that time was in London, therefore everyone was discharged from Commons at his pleasure."

In the Middle Temple Records there is a reference under July 8, 1603. No summer reading to take place, and Common Hall to break up. "All gentlemen of this House, clerks and serving men to depart and not be suffered to continue until such time it shall please God to cease the sickness." Obviously, there

* "Middle Temple Records."

were worse evils than the fires which devastated both Inns during the seventeenth century, and doubtless helped to purify them.

An interference from outside, which has already been referred to, resulted on at least two occasions, divided by one hundred years between them, in undignified conflicts involving the Templars and the City. The earlier time, in 1555, when the Mayor came to attend the Reader's dinner, with his sword borne up before him, and had his sword beaten down by the young gentlemen of the Inn, with no dinner afterwards, but a somewhat ignominious flight, one cannot escape the feeling that he received something short of fair treatment. The meal to which he was bidden may have been a test case rather than a festivity, but there were surely other ways, even in the sixteenth century, of rebuking a presuming guest than by chasing him from the dining-room. In one sense the difference has never been adjusted. The Temples claim to be "extra parochial," closing nightly all their gates as the clock strikes ten ; and in every way, direct and indirect, repudiating the least suggestion that they form part of the city territory. Nevertheless, a more neighbourly spirit has intervened, one token of which may be seen daily and nightly by those who encounter any of the handfuls of city police who perambulate the legal precincts.

VICISSITUDES OF THE HOME

Whitefriars, on the east of the Temple, was always a turbulent neighbour. Before the Reformation it had been a sanctuary for criminals, and until the reign of William III, it still claimed protection for debtors. Fugitives from justice were equally eager to avail themselves of the privileges, in this respect, of the Temple, inherited through many centuries from the Knights Templars. In 1691, the Benchers of the Inner Temple became so tired of this overflow of vagabonds, that they took the summary course of bricking up the gate leading into Whitefriars.

VII. THE GREAT MIDDLE TEMPLE NAMES

NO account of the Temple would seem to be complete without reference to Goldsmith or Lamb or Dr. Johnson, or at least to the lines from Spenser's eulogy of :

> " . . . those bricky towers,
> The which on Thames' broad aged back doe ride,
> Where now the studious lawyers have their bowers,
> There whilom wont the Temple knights to bide,
> Till they decayed through pride."

Actually, many famous laymen of centuries much earlier than the eighteenth were connected with one or other of the two Inns ; while more than one member of either were, like the Temple knights, brought down through pride. Devereux, Earl of Essex, the Queen's last favourite, and one of the last to feel the steel claws of that great monarch, flits through the records of the Middle and Inner Temples, as does Dudley, Earl of Leicester. To the Inner, the latter rendered at least one useful service. The hall of the former Inn, finished in 1570, was, one August evening sixteen years later, the scene of a domestic incident which might well inspire the brush of some great historical painter. An entry in the

Middle Temple Records, dated 1586, Aug. 4. and signed by the Reader and Masters of the Bench, relates how "Francis Drake, knt., one of the Society of the Middle Temple, after his voyage came into the Middle Temple Hall at dinner-time and acknowledged to John Savile, then Reader, and various masters of the Bench and others present, his old friendship with the Society, those present congratulating him on his happy return with great joy."

It was during the Treasurership of one of the greatest of Middle Temple lawyers, Edmund Plowden, that the Middle Temple Hall was begun. Born in 1518, the son of a distinguished county family, he entered the Inn as a student, 1538, became Autumn Reader 1557, Double Lent Reader 1560-1, and Treasurer 1561. It is recorded of him, that during his learning years he was "so studious that for 3 years he did not leave the Temple once." The most learned lawyer of his time, his strength was his honesty in an age when men changed their faith and convictions with each demise of the Crown. On the high road to professional fortune in the reign of Queen Mary, he did not shed his Roman Catholic faith with the death of that unlamented monarch, steadfastness of conduct which brought him into collision more than once with the Privy Council of her no less emphatic sister. Cajolery was tried, and bribes. He was offered the post

of Lord Chancellor as the price of his religion and refused. He died Feb., 1584-5, and was buried in the Temple Church. His work was as a learned and successful advocate, and as an inspiring teacher of the generation which followed his own.

Among those who must have listened to his lectures in 1557, was a young Somersetshire student of gentle birth and (even at 26) ample dimensions. John Popham, Chief Justice of the King's Bench, 1592-1607, the scourge of thieves and robbers, was an eminent Middle Templar of quite a different stamp from the man who taught him. Shewn in his portrait as "a hudge, heavy, ugly man," legend has ascribed to him a cheerful, careless youth, with no taste for the peaceful studious habits of the youthful Coke, some twenty years his junior. But at thirty he seems to have set to work in earnest. As Attorney-General, Popham was present in the Court of Fotheringay, during the trial of Mary Queen of Scots, but did not interfere much in the proceedings. When poor Secretary Davison (intended—as Lord Campbell relates—to be the scapegoat for the sins of all concerned in her death) was brought before the Star Chamber, Popham enlarged on the enormity of his offence in sending off the warrant for her execution without the Queen's express orders, although she had signed it, and it had passed the Great

Seal by her authority and with her approbation. The same biographer* speaks of the most glorious day of Popham's life as Sunday, Feb. 8, 1601, when news was brought to Elizabeth at Whitehall that Essex had fortified his house in the Strand, with the intention of raising an insurrection in the city. The Queen sent Popham and Lord Keeper Ellesmere to summon the rebels to surrender. With no escort but their mace-bearers, these two grave magistrates walked straight into the lion's den and called upon the Earl's adherents to lay down their arms. Not unreasonably, there were immediate cries of "Kill them! kill them!" The Earl saved them from a premature ending, but cast them into a dungeon. Popham was offered his freedom, provided he left the Lord Keeper behind as a hostage; an invitation to desert his friend indignantly refused by this burly countryman. With the failure of the rising, in the late afternoon, they were allowed to go free.

The experience enabled the Chief Justice to interpolate a little evidence of his own when he presided at the trial of Sir Christopher Blunt and other Commoners concerned in this rebellion. Said the Lord Chief Justice, at one stage in the proceedings, "Sir Christopher, I should like to know why you stood at the great Chamber door,

* "Lives of the Chief Justices of England." By Lord Campbell.

with muskets charged and matches in your hands, which I well discerned through the keyhole ?" He presided over the trial of Sir Walter Raleigh, where Coke was Attorney-General and Prosecutor. Guy Fawkes and his fellow-conspirators were also tried before Chief Justice Popham, who died in 1607, aged 72. He lies buried at Wellington, where he was born. He was certainly a severe judge, but " if he was the death of a few scores of [thieves and robbers], he preserved the lives and livelihoods of more thousands of travellers, who owed their safety to this judge's severity." We have Coke's testimony that he was a consummate lawyer.

Two other Middle Templars, grandfather and grandson, both chief justices of the King's Bench, Edward and Henry Montagu, who spanned the period from the end of the reign of Henry VII to near the end of the reign of Charles I, are worth more than passing mention. They cover more than a century and a half of legal life. Edward, the cadet of the Northamptonshire branch of a Somersetshire family which came over with the Conqueror and perched itself on the top of a sharp hill (hence the name de *Monte Acuto*), became Autumn Reader of the Middle Temple in 1524. His maiden speech in the House of Commons was against granting supplies, an indiscretion which resulted in an interview with Bluff King Hal, who, placing his hand tenderly

on the head of the young barrister-member, as the latter knelt before him, said : " Get my bill to pass by twelve of the clock to-morrow, or else by two of the clock to-morrow this head of yours shall be off."* The feast at Ely House, Holborn, Nov., 1531, at the call of Serjeants, which included Montagu's promotion, is classic as the most splendid on record, and the longest. It lasted five days. On the fourth day King Henry and Queen Catherine dined there. We are told that the Sovereign took great notice of Montagu, who was regarded as a made man. Eight years went by without his receiving legal preferment of any kind, when one day he suddenly found himself Chief Justice of England.

It was of him that Lord Campbell, himself a Chief Justice and a Lord Chancellor, wrote that passage which, quoted so often, may bear quoting even once again :

> For a short time he, no doubt, was pleased in observing the joy of his wife and children ; in receiving the congratulations of his friends ; in listening to a panegyric on his learning and his virtues from Lord Chancellor Audley ; in appointing his officers ; in giving good places to his dependants ; in putting on his scarlet robes, and throwing the collar of SS round his neck ; in witnessing the

* Lord Campbell's " Lives of the Chief Justices."

> worshipful homage paid to him when he took his seat on the bench ; in attending divine service at St. Paul's, and afterwards dining with the Lord Mayor of London ; in hearing discourses addressed to him, interlarded with "My Lord" and "Your Lordship" ; in limners soliciting leave to draw his portrait ; in seeing how the Bar not only nodded submissively to his law, but laughed vociferously at his jests. . . . But it is certain that these pleasures soon faded away, and that he wished himself again a serjeant-at-law, quietly and drowsily practising in the Court of Common Pleas.*

His trouble was his conscience, says his biographer. Henry appears to have acquired the habit of putting extra-judicial questions to him on the subject of the marriage laws, requiring answers which were not consonant with the Chief Justice's conviction. Against his will he found himself involved in the attempt of Lady Jane Gray to supersede the Princess Mary. With the latter's success, he lost judicial office and was lucky not to lose his head as well. He retired to his home in Northamptonshire, where he died 1556. He left eight sons and nine daughters ; and his descendants, according to Lord Campbell, "must now (1849) be reckoned by hundreds of thousands." Be that as it may,

* Lord Campbell. "Lives," p. 172.

two dukedoms and two earldoms sprang from that kind old man.

His grandson, Henry, who became not only Chief Justice of England, but Lord Treasurer and an Earl, was born about the middle of the reign of Queen Elizabeth. Industrious and sagacious, he had to wait many years before success came his way. He took an extremely independent tone in Parliament, whither he had found his way as member for Higham Ferrers. That may have accounted for the neglect which he suffered at the hands of the Court all through the reign. With the disgrace of Coke in 1616, his opportunity came. James wanted a successor to the contumacious old Chief Justice, at least possessing a personality which should make some popular appeal. Serjeant Montagu was indicated as the fitting candidate. Lord Campbell's verdict on him was that he had a wide tolerance of all men, but much good sense and knowledge of the world. He was pronounced to be "a perfect gentleman," and from the uniform courtesy and kindness with which he treated the bar, there was a general disposition to support him. His eldest son Edward, Lord Kembolton, afterwards Earl of Manchester, was the distinguished Parliamentary leader.

The Temple is by immemorial right the home of the Common law of England, and William Blackstone, a member of the Middle

Temple, is its greatest name. Why—is not apparent from a first hasty survey of his career. He was not a great advocate. Far otherwise. From the date of his call in 1746, until 1760, when fame had been achieved by another avenue, his own reports only mention himself as having been engaged in two cases, both so unimportant that they failed to achieve mention in any other book. As a judge he was timid and doubting ; was upset on appeal, we are told, more than any of his brethren. He was neither ready enough nor sufficiently brazen for a politician. But he possessed ceaseless industry and the orderly lawyer's mind which, coupled with a quite unlawyerlike love of poetry and elegance of form, led him to his life's work. He found the common law of England, on which the legal system of his country was based, in scattered fragments, or chunks, of more or less meaningless jargon. With his inkstand beside him, he welded this mass into something like a symmetrical whole. It was a code, translated into the language of Addison and Pope ; a series of majestic regulations embodying the centuries-old wisdom of Saxon and Plantagenet kings, greedily awaited by law-loving and conservative communities, destined to carry English speech, and the Commentaries as part of it, to regions a thousand times greater than the island in which these were written. A homely verse among the many

epitaphs evoked by his death gives the contemporary explanation of his fame. Posterity cannot add to it.

> He's gone whose talents charm'd the wise,
> Who rescued law from pedant phrase,
> Who clear'd the student's clouded eyes,
> And led him through the legal maze.*

Littleton and Coke, his predecessors in the same sphere of labour, had belonged to country families. Blackstone typified a new era. Born in Cheapside in 1723, the posthumous son of a silkman, as his brother-in-law and biographer puts it : " had his father lived, it is most likely that the third son of a London tradesman, not of great affluence, would have been bred up in the same line of life, and those parts, which have so much signalized the possessor of them, would have been lost in a warehouse or behind the counter." Certainly he had the prudence and industry of a successful shopkeeper. All through his life he played for safety. As one of his biographers relates admiringly : " He never abandoned a good possessed for a contingent benefit." Safety first was ever the motto of that studious and exemplary life. When briefs did not come, he retired to the safe anchorage of his University, where his early career had been so successful, and by a quieter road achieved the success which was in him. When briefs came,

* Quoted in Welsby's " Judges." (1846.)

and parliamentary honours, he soon realized that ambition was a blind guide for a man of his nature. With the offer of the solicitor-generalship in his pocket, he preferred the peaceful dignity of the bench.

Educated by his maternal uncle, Mr. Thomas Bigg, a surgeon in Newgate Street, he was a youthful phenomenon at Charterhouse and at Pembroke College, Oxford. And here, between 1750 and 1760, he resumed a busy Oxford life, as Bursar of All Souls and Steward of College Manors. The basis of his Commentaries on the Laws of England is to be found in lectures, the first course of which were delivered in the Michaelmas Term, 1753. Five years later he became first Vinerian Professor of Law. The introductory lecture delivered, Oct. 25, on study of law, finds a place in the preface to the Commentaries. These presently collected in book form obtained a ready public in England, and a still larger one across the Atlantic. The record of sales leaves little doubt that the work soon ranked as an eighteenth and early nineteenth century "best-seller." Like all "best-sellers," it was not without its critics, but it seems very certain that the gibe at his expense made by Grenville, in the course of the debate on Wilkes' expulsion, did the famous doctor something less than justice. The latter had argued in favour of expulsion, when Grenville rose and quoted his

own commentaries against him. "Instead of defending himself upon the spot," we are told by a somewhat lurid writer of the contemporary tribe of Junius, "he sunk under the charge in an agony of confusion and despair. It is well-known that there was a pause for some minutes in the House, from the general expectation that the doctor would say something in his defence, but his faculties were too overpowered to think of those subleties and refinements which have since occurred to him."* Actually this is merely eighteenth-century controversial English, for the fact was that Blackstone was not ready in debate. The passage of the Commentaries quoted against him appears to have been off the point, while the use of it as a weapon could easily have been parried, had he been as ready with his tongue as with his pen. By this time he had arrived at a considerable practice at the bar. In the January of 1770, he refused the post of Solicitor-General, and a few months later became a judge of the King's Bench, changing from there to the Common Pleas. His judicial career lasted ten years. Lack of exercise resulted in his becoming very corpulent. Dropsy, gout and vertigo were among consequent inflictions. He died in his town house in Lincoln's Inn Fields, on Feb. 14, 1780, some months short of 57.

"Agreeable and facetious, tender and affec-

* Quoted in Welsby, p. 345.

tionate in family relations, strict in the discharge of every relative duty," says his biographer; "towards strangers he was reserved, which to some appeared to proceed from pride. His temper was rather remarkable for irritability, which in his latter years was increased by his bodily infirmities." That he was blessed by humanity beyond the spirit of the age is evidenced by the fact that, with John Howard, he was instrumental in passing the Act of Parliament (19 George III, c. 74) for substituting penitentiaries for transportation. The verse inspired by the contemplation of his own earthly end shows him in the amiable light deservedly continuing to surround his memory:

Untainted by the guilty bribe,
Uncursed amidst the harpy tribe,
No orphans cry to wound my ear,
My honour and my conscience clear;
Thus may I calmly meet my end—
Thus to the grave in peace descend.

If the common law of England has been one of the civilizing forces of the world, then the statue of its great interpreter, about to be set up* in the city of his birth, and within the daily sight of the descendants of his fellow-citizens, must remain to English-speaking peoples everywhere, and for all time, a symbol and reminder of their shared inheritance.

* May, 1924.

VIII. SOME INNER TEMPLARS

NO more typical Englishman ever pursued his career in the Inner Temple than Edward Coke, who, born nearly seventy years after the Middle Ages are said to have ended, combined in his person modern and mediæval characteristics in vivid contrast. The often harsh and arbitrary servant of three sovereigns, he came in conflict with all three of them. A relentless foe, and equally relentless as a professional prosecutor, he fought valiantly for public liberty and was the greatest political judge who ever sat upon the bench. No magistrate or politician of those times withstood more obstinately the usurpations of the Stuarts. And he fought both as judge and politician.

The only son, with seven sisters, of a distinguished Norfolk family, he was called to the bar by the Inner Temple, April 20, 1578, when aged 27. His student life in the Inn, if we may accept Lord Campbell's account,* was worthy of his future. He rose daily at three a.m., lit his own fire in winter time, and read his law books until eight, when he went by water to Westminster and heard cases argued until noon. After dinner in Hall, he attended "readings" or lectures, followed by more private work until supper time. After supper came the *moots*, discussions of difficult questions of law—if the

* "Lives of the Chief Justices." (1849. Ed. Murray.)

weather was fine, in the garden by the river-side ; if it rained, in the covered walks near the Temple Church. During a last hour of the day, when alone in his chamber, he worked at his commonplace book, in which he inserted, under the proper heads, all the legal information he had collected during the day. He went to bed on the stroke of nine, in order to obtain an equal number of hours' sleep before and after midnight. The contemporary of Shakespeare and Ben Jonson, he never went to plays and seems to have regarded all players as vagabonds.

Such application met with speedy reward. Within two years of his call he was appointed Reader of Lyon's Inn, an Inn of Chancery controlled by the Inner Temple. His lectures " so spread forth his fame, that crowds of clients sued to him for his counsel."

Coke's career falls into three main divisions. We see him as the lawyer-politician of Elizabethan days, bearding his virgin sovereign, very tentatively it may be said, in his capacity as Speaker, then drawing back with considerable promptness. As a lawyer conducting state prosecutions, he brings himself under the strictures of his principal biographer. Truly his first appearance as public prosecutor under James I, at the trial of Sir Walter Raleigh, charged with high treason by entering into a plot to put the Lady Arabella Stuart on the throne, were accompanied by

observations which strike strangely upon modern ears. While he was detailing the charge, which Lord Campbell says no invective could have established, of an intention to destroy the King and his children, Raleigh at length burst out :

" You tell me news I never heard of."

" Oh, sir, do I ?" said Attorney-General Coke. " I will prove you the notoriest traitor that ever held up his hand at the bar of any court . . . thou art a monster : thou hast an English face, but a Spanish heart."

They must have been pleasant times to have lived in. The rules of evidence guiding the Court were scarcely less ingenuous than the prosecutor's speech. Of the latter, it may be said, that he belonged to his age with a thoroughness that characterized all that he did. A few months before he was made Chief Justice of the Common Pleas (June, 1606), he conducted the prosecution of Guy Fawkes. It is interesting to compare, so far as possible, the emoluments of a law officer in those days with modern times. The actual salary of the Attorney-General, *temp.* James I, was only £81 6s. 8d., but he was allowed private practice (in Coke's case doubtless large), while his official fees—which Lord Campbell describes as enormous—came to £7,000 a year. What would Coke, or even Lord Campbell, have said to the £24,000 in one year earned by an Attorney-General, *temp.* George V?

It was as a judge that he entered upon his time of greatness. The tale of arbitrary acts of the Crown which he fought and finally conquered cannot be enumerated here. Conflict between James and his obstinate Chief Justice came to a head over the King's claim to prohibit the hearing of any cause in which his prerogative was concerned. There followed one of those meetings between Sovereign and judges, when the former hectored and bullied and the latter wrapt up the intention to offend again amidst a mass of extravagantly accommodating verbiage. On this occasion, after James had stormed and raved to the full, in the belief that Coke was humbled, as effectually as the other judges, the following question was put to them : " In a case where the King believes his prerogative or interest concerned, and requires the judges to attend him for their advice, ought they not to stay proceedings till His Majesty has consulted them ? " All the judges except Coke hastened to reply : " Yes ! Yes ! ! Yes ! ! ! " Then came Coke's grave voice : " When the case happens, I shall do that which shall be fit for a judge to do."*

In a few weeks from now† a statue of Blackstone, the gift of American lawyers visiting this country, will stand near his chambers in Brick Court. Inner Templars might well honour themselves by erecting a companion statue to

* Lord Campbell. I. 286. † May, 1924.

Coke, at the northern end of King's Bench Walk, near the now vanished Alienation Office, where he retained his London lodgings until he withdrew from public life. If ever such a memorial arises, that great reply of his, just quoted, is all that is needed as its inscription and his story.

Naturally, it was only a matter of time before he was disgraced and fell. His bitter and life-long feud with Bacon helped, though he was able to retaliate with compound interest later on. With the end of his official career, began his third period of activity ; and it may be said that he proved more dangerous to the Crown out of office than in. King James, with that native shrewdness which covers a multitude of folly, used to say : " Whatever way that man falls, he is sure to alight on his legs." It was he, as a member of Charles's third Parliament (1628), who brought forward the *Petition of Right.* These Resolutions, which form a landmark in the history of English freedom, deny the right to tax save by Act of Parliament, and declare that no freeman is to be imprisoned or detained contrary to the law of the land. A year later he quitted public life ; and in 1634, aged eighty-three, this great Englishman passed away. Great judge and great patriot, one thinks of him sometimes as the prototype of the elder Pitt in the unyielding harshness of his temper, the incorruptibility of his life amid a corrupt age,

and in the splendour of his public services. Of his personal appearance we learn that he was tall and thin—" the jewel of his mind was put into a fair case, a beautiful body with comely countenance ; a case which he did wipe and keep clean, delighting in good clothes, well worn ; being wont to say that the outward neatness of our bodies might be a monitor of purity of our souls." Lord Campbell adds in a foot-note : " There are many portraits and old engravings of him extant—almost all representing him in his judicial robes—and exhibiting features which, according to the rules of physiognomy, do not indicate high genius." Truly he possessed something more than genius, that rugged upright character, not peculiar to his nation, but an attribute of many Englishmen ; and he left a name which must be honoured by Englishmen so long as they regard liberty—whether in danger from mobs or monarchs—as a precious thing.

Another Inner Temple figure who stood consistently for liberty in a less romantic age was Charles Pratt, whose friendship with the elder Pitt dated from their school-days at Eton. Member of a substantial Devonshire family, the son of Sir John Pratt, himself Chief Justice of the King's Bench, young Pratt, who was born in 1713, found himself at 25 a barrister with limited means and limited prospects. He travelled the Western Circuit totally without encourage-

ment ; and, the report goes, was on the point of relinquishing the Law for the safer livelihood of the Church. He mentioned his project of despair to his friend, Henley (afterwards Lord Chancellor Northington). The latter prevailed upon Pratt to essay one final attempt to change his fortunes, making doubly sure by obtaining a brief for the young man, in a case in which he himself (Henley) was already engaged as counsel. A feigned illness on the part of Henley was the sole remaining link in the chain which gave Pratt his first chance and led on to fortune. Perhaps the story is no less true or untrue than hundreds of others recounting first steps to the Woolsack. A much more tangible asset in Pratt's career was his friendship with Pitt, which obtained for the young lawyer the post of Attorney-General in Newcastle's administration in 1757.

Those were days when lawyers arrived early. Only forty-four, Pratt had already shown himself imbued with a genuine love for freedom ; and fairness and moderation characterized his work at the bar and on the bench. A Whig by birth, as well as by all the friendships and associations of his long life, the little lawyer with the mild blue eyes and clear, open brow, often spoke a language freer and nobler than was common among any party in that stilted age. His eloquence on the bench was of a colloquial kind, extremely simple ; diffuse, but not desultory.

As Chief Justice of the Common Pleas, he had an opportunity of denouncing the legality of general warrants, under one of which John Wilkes was arrested in 1763. The matter came before Pratt in a case where Wilkes was plaintiff. Said the Chief Justice to the jury, and his words are not the least portion of the charter on which is based individual liberty in this country :

"The defendants claim a right, under precedents, to force persons' houses, break open escritoires, seize and detain their papers, upon a general warrant, where no inventory is made of the things thus taken away, and where no offenders' names are specified in the warrant, and therefore a discretionary power given to messengers to search wherever their suspicions may happen to fall. If such a power is truly invested in a Secretary of State, and he can delegate that power, it certainly may affect the person and property of every man in these kingdoms, and is totally subversive of the liberty of the subject."

As Crown prosecutor in a time not very much less savage than those of the Tudors and the Stuarts, he was entitled to say of himself that he never thought it his duty to attempt at eloquence when a prisoner stood upon trial for his life. As a minister of the Crown—he became Lord Chancellor, with the title of Lord Camden, in the Grafton-Chatham ministry, 1766—his experiences were less happy. With the American colonies

on the eve of revolt, those were troubled and dividing times for English politicians. Like his great leader, Camden was on the side of conciliation ; and he lived long enough to see the calamity of its rejection.

Buried within the precincts of the Temple Church, there stands hard by his ashes, a memorial to perhaps the greatest Inner Templar of them all. John Selden, son of a Sussex yeoman, great jurist, statesman and patriot, passed from Clifford's Inn to the Inner Temple, in 1604, was called in 1612, and became a bencher in 1633. His vast learning (he seems to have been encyclopædic), his sagacity, and his persistence, were cast in the scale against the pretensions of Stuart prerogative. Office never came his way, though it is stated that Charles I would willingly have made him Lord Chancellor to have bought off his opposition, but was warned of the hopelessness of the attempt. As a plain and simple member of those Parliaments which culminated in the Great Rebellion, John Selden's name will last as long as English history. He and Coke were the legal brains of the parliamentary opposition. His speeches against such abuses as the Commission of array and billeting, against the suspension, or rather the denial of the liberty of the subject, and against taxation without the sanction of Parliament, provided powder and shot for less learned members. As an advocate

he appeared in several cases raising constitutional issues. He was counsel in 1627 for Sir Edward Hampden who, with five others, was imprisoned (for refusing forced loans) under a Privy Council warrant issued by Royal command. Selden moved unsuccessfully for his release under a writ of Habeas Corpus. With Coke removed from the bench, the King was preparing for those eleven years of arbitrary government (1629-1640) which were to end in the impeachment of Strafford and Laud, and the execution of the former. It was of that period that a foreign historian* wrote : "The king," says Correro, the Venetian, "moves among the rocks by which he is surrounded, slowly but surely. The judges explain the laws in his favour, as there are no parliaments to contradict them : and his subjects do not then venture to withstand him. 'With the key of the laws he seeks to open the entrance to absolute power.'"

But Parliament came again, first the Short Parliament, then the Long Parliament. That was Selden's place, rather than in the Courts. Calmly and judicially, like an advocate almost pleading for a private client, he poured forth from the storehouse of his knowledge argument upon argument against the prerogative. Like St. Paul he suffered, if perhaps not stripes, at least imprisonment often, for his opinions. In truth

* Ranke.

one wonders at the serenity of the man which permitted him to retire periodically from the strife and continuing danger to resume his oriental or antiquarian studies in the seclusion of Wrest, the seat of the Earl of Kent, his friend and employer. With the appeal to arms and the outbreak of the Civil War, Selden's work may be said to have ended. Neither in the trial of the King nor in the politics of the Commonwealth did he take any part, but lived peacefully among his books and his ancient marbles in the town house of the widowed Countess of Kent, the Carmelite, or White Friars, just east of the Temple. And here he died on November 30, 1654.

In spite of old maps and prints, it is not easy to conjure up before one's eyes the Temple of Tudor and Stuart times. When Henry VIII came to the throne it was still a suburb beyond the city walls. The Fleet river still flowed above ground, between Bridewell Palace on the west and Blackfriars on the east, and had to be negotiated by persons going westward, by a bridge in Fleet Street, or another in Holborn. As those years went by the suburb became more and more populated. If one can picture narrow streets composed of old Nuremburg houses, flowing round and about the Temple and stretching leftwards, among gardens and country houses, from Temple Bar to the village of

Charing, Whitehall and Westminster, then it becomes a little easier to reconstitute the scene where Coke and Selden spent their working lives. How often must one or the other of them, perhaps often together, have walked past the open shop within Temple Bar, a few yards to the eastward of St. Dunstan's Church, kept by David Ramsay, maker of watches and horologes to His Majesty James I.*

Our records of the topography away from the streets and within the Temple gates is more confused. Courts and buildings and shops and alleys familiar in the printed page, have vanished away ; nor are the attempts to rediscover their site uniformly successful. Save for the noble Middle Temple Hall, and three old houses at the top of Middle Temple Lane, nothing remains of many of those ancient places except their names. It is the same with its neighbour. Of the buildings (except the church) now to be found in the Inner Temple, the gateway, rebuilt in 1610, by John Bennet, one of the King's sergeants-at-arms, and certain work connected with the hall, are all that remains to the Society of that which was standing before the Fire of London. The hall itself dates from May, 1870, and is built on the site of the refectory of the Knights-Templars which, in its turn, had served since the days of Edward III as the refectory of the Inn.

* "The Fortunes of Nigel."

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But Alienation Office, Packington's Rents, Fuller's Rents, Ram Alley—to name only a few of the landmarks of the past—have disappeared with more or less absolute completeness. Even on the riverside the characteristics of the place have changed so utterly as to be with difficulty imagined. Of course there was no embankment, or broad roadway dedicated to trams and motor lorries, between the Templars' grass lawns and the ebb and flow of Father Thames. To that extent the amenities of the Temple, from a selfish point of view, have suffered. Instead, there were ragged edges of marshland at the waterside, with here and there steps from which travellers could take boat to Westminster. From the other side of the river, as may be seen in contemporary prints, the impression of the Temple is a straggling line of old Dutch farm-houses, fringing water meadows. But one identifiable feature persists to the present day, namely the lines by which the buildings surrounded the gardens. They jutted down into them, and still do, like the wharves of the great Transatlantic steamship companies jut into New York bay. In portions of the present-day Temple, dating, as much of it does, from the later 17th century, the Dutch atmosphere remains. And it is perhaps, in the quiet of an early morning in June, in this old-world environment, with the birds singing among the plane trees of King's

Bench Walk, before chambers are opened, or even laundresses have put in an appearance, that pictures may arise in some degree faithful to reality, of the life of those bygone days.

CHARLES BENHAM

BOOK II GRAY'S INN

I. THE COMING OF THE LAWYERS

IN the early years of the fourteenth century, in the time of King Edward II, the actual spot which is now the site of Gray's Inn was included in the Manor of Portpoole, or Purpoole, close to the village of Holborn, just beyond the western wall of the old City of London. This Manor was the residence of the Barons Grey, or Gray, de Wilton, and was held by them from the Dean and Chapter of St. Paul's Cathedral. It comprised a "messuage" or dwelling-house, a "chauntry," a "garden," a "dove house" and a "wind-mill," which were usual appurtenances of a Manor House of the period. The chauntry was served by a Chaplain who was provided by the Prior and Convent of St. Bartholomew in Smithfield. These facts appear from an Inquisition made in 1308, after the death of Reginald, first Baron Grey de Wilton, and from a grant by letters patent to the Prior and Convent of St. Bartholomew, made by John, the second Baron, in 1315.

It next appears from an Inquisition made in 1370, after the death of the fourth Baron Grey, that the manor house with its appurtenances had been let by one of the Greys to a tenant, or tenants, as an *hospitium*, an ordinary meaning of which word was an "Inn or hostel for the reception of Students." Before the end of that

century we find from a third Inquisition, that a number of persons were enfeoffed of the place under the name of "Greysyn." This is what we should expect, since "Lincolnesyn" was one of the earliest forms of the name of that Inn.

It is to be inferred from these ancient records that, at some time between 1315 and 1370, the manor house of the Barons Grey de Wilton had become an Inn for the reception of Students of law. This inference is confirmed by the researches of antiquaries of the sixteenth and seventeenth centuries, who had access to documents which have since been lost. We know, from an old manuscript in the Heralds' College, that St. Loe Kniveton, a member of Gray's Inn in 1584, and an antiquary of repute, to whom the celebrated William Camden acknowledged himself "much indebted," affirmed "out of his own serche and readinges of antiquityes" that this house of the Lords de Grey "was taken in the Reign of King Edward the 3rd by the gentlemen and professors of the Common Law."

Simon Segar, of the family of Sir William Segar, Garter King at Arms, and himself a writer on genealogical and antiquarian subjects, was a member of Gray's Inn and Keeper of its library in 1674. He made and indexed a list, extracted "from several ancient Registers," of which he was custodian, of the former "Readers" of the

Inn. The earliest of them was Sir William de Skipwith, who was raised to the Bench by King Edward III, in 1359. Doubts were once thrown upon this list by detractors of Gray's Inn, who wrote contemptuously of Segar because at one time he held the office of "Butler." But the office of "Butler" of an Inn of Court was not necessarily a menial one. Foss relates how Sir Thomas More's grandfather was "Butler" of Lincoln's Inn, and became a member and a bencher of that Society. Simon Segar was an author and an antiquary, a member of Gray's Inn, and, besides holding the office of Butler, was librarian of the Inn with official access to the ancient records and memorials.

Simon Segar's list of ancient Readers finds plenty of corroboration from other sources. For example, it includes the name of Chief Justice Billing, who appears from the Paston letters to have been a member of Gray's Inn. Three other great Judges of the fifteenth and sixteenth centuries whose names appear in the list were Sir Thomas Bryan, Sir Anthony Fitzherbert and Sir William Yelverton. The two former are proved to have been members of the Inn by the ancient memorials of St. Andrew's Church, of which they were benefactors. The third belonged to a family which was alluded to by Sir Christopher Yelverton, an Elizabethan Judge, who, in his farewell address to the Inn on

his election as Serjeant in 1589, acknowledged the favours that "I and mine ancestors have received in it. For two hundred years at least have some of them lived here."

When Sir William Dugdale visited Gray's Inn for the purpose of obtaining materials for *Origines Juridicales*, which he published in 1666, he found on the windows or walls of the Inn, coats of arms belonging to twelve of the eighteen "Readers" enumerated by Simon Segar. Indeed, the list, with its starting point in the reign of Edward III, is consistent with the Inquisitions of the Barons Grey de Wilton, with what we know of the origin of the other Inns, and with all the traditions that have come down to us.

The question of the antiquity of Gray's Inn, however disputable it may once have been, was set at rest in 1912, when Mr. W. Blake Odgers, K.C., Lent Reader of the Middle Temple, revived the old custom of giving "readings" in Hall. Six lectures were delivered upon the subject of the Inns of Court and Chancery, in the course of which the antiquity of Gray's Inn was discussed and recognized. Sir Henry Duke, after recapitulating the evidence, drew the following conclusion: "I think we may say that for a great part of 550 years the Society of Gray's Inn has been housed in the House which we now know as Gray's Inn." Mr. Blake Odgers gave it as his opinion that Gray's Inn was "as old,

SIR FRANCIS BACON

or at all events nearly as old, as the other Inns of Court."

These conclusions derive powerful support from the circumstance that the four Societies of the Inner Temple, the Middle Temple, Lincoln's Inn, and Gray's Inn, have always shared equally the exclusive right of admitting aspirants to the Bar. It seems highly probable that, when they acquired it, the four Societies were substantially co-equal in prestige and antiquity. "The common possession," wrote the Editor of the Gray's Inn Pension Book, "by the four Societies of this enabling power, together with the marked absence of any historical claim to precedence on the part of any one of them, would seem to support a presumption that the dates of their several origins were not far apart. Had any one of them been admitted as a parvenu to the ancient privileges of the other, protest would have been inevitable, and we must surely have had some record of the fact."

It is manifest that at a time anterior to 1370 Gray's Inn became the habitation of a society of lawyers from which the Society of to-day is descended in the direct line. The exact date of their first occupation of the place cannot be fixed precisely. But the evidence which has been adduced serves to justify the general observation of a former writer, which was quoted in the introductory chapter of this book, "No

precedence, priority, or superior antiquity is conceded to, or claimed by, one Inn beyond another ; *nihil prius aut posterius, nihil majus aut minus.*"

II. THE TIME OF THE PLANTAGENETS

THE earliest name on Gray's Inn's roll of fame is that of Sir William de Skipwith, who was Reader of the Inn in the time of King Edward III. He figures frequently in the old Year Books of that reign as one of the most prominent advocates at the Bar. King Edward made him a Judge of the Common Pleas in 1359, and Chief Baron of the Exchequer in 1362. Three years afterwards he incurred the Royal displeasure and was removed from office; but he appears to have regained the confidence of the King, who sent him to Ireland as Chief Justice in 1370, and in due course restored him to his original office.

On the accession of Richard II, Sir William de Skipwith was re-appointed as a Judge, and his name constantly occurs in the judicial records and proceedings of that turbulent time. He seems to have conducted himself with dignity and prudence amidst a sea of troubles and perplexities, which culminated when the Judges were summoned to Nottingham by the King, who proposed to use them as instruments in his quarrel with the Parliament. Skipwith excused himself from obeying the summons on account of an illness which according to some historians was a diplomatic one. However that may have been, the event turned out fortunately for Skipwith. The other Judges, under Royal compulsion

(as they afterwards alleged), gave an opinion to the effect that the action of Parliament had been illegal, and that its promoters were liable to the penalties of treason. This opinion foreshadowed death and ruin for the Parliament men, who quickly turned the tables upon its promulgators. The Judges were impeached and attainted of treason. The Chief Justice, Sir Robert Tresilian, was executed. The death sentence upon his colleagues was commuted, but they were banished to various parts of Ireland with a prohibition against practising their profession. Skipwith's opportune illness had saved him from the fate of his brethren ; but he was a very old man and he retired soon afterwards. History does not relate whether he ever revisited his old Inn in the village of Holborn. He was still alive in 1392.

There was another member of Gray's Inn of Skipwith's time, who, in the words of his biographers, "achieved distinction alike in court and camp, by land and sea." This was Sir Robert Ashton, who, in the course of his varied employments, served King Edward III as a military commander in France, Admiral of the Narrow Seas, Chief Justiciary of Ireland, and Lord Treasurer and Chancellor of the Exchequer in England. He died at Dover as Warden of the Cinque Ports, under King Richard II.

At the end of Skipwith's judicial career another

lawyer, who had been Reader of Gray's Inn, was making his way at the Bar. This was John Markham, who was appointed King's Serjeant in 1390 and Judge of the Common Pleas in 1396. The Bench was a perilous place when he was elevated to it. While he was at the Bar, two Judges had been murdered by Wat Tyler's mob. One had been executed, and the rest exiled, for high treason. Markham appears to have earned a high reputation during the dozen years of his occupancy of the Bench. He played an important part in the last tragical scene of Richard II's reign, as one of the Commissioners appointed by Parliament to convey to the King the sentence of deposition and to receive his renunciation of the throne. He was re-appointed by King Henry IV, and died in 1409, leaving a son who was destined 35 years afterwards to become Chief Justice of the King's Bench.

A curious case, affecting Gray's Inn, is reported in the Year Book of 1400, when Markham was a Judge. It was an action of assault and battery in which the Chaplain of Gray's Inn was Plaintiff. He appears to have deserved the appellation of "a muscular Christian," since the case for the Defendant was that the battery was provoked by an assault committed by the Chaplain himself. In the course of the arguments, a quaint colloquy occurred between Markham and Sir John Cokeyn, an eminent lawyer, who afterwards held at the

same time the two offices of Chief Baron and Judge of the Common Pleas. Said Markham : " Although a man make an assault on another, if he on whom the assault is made shall escape with his life, it is not allowable for him to beat the other who made the assault " ; which the whole court granted. Whereupon Cokeyn rejoined : " But I am not bound to wait until the other has given a blow, for perchance it will come too late after : which is granted." In the centuries, which have intervened since the case of the Chaplain of Gray's Inn, these dicta have never been overruled.

In the time of the Plantagenets our judicial system was in the melting pot and was being tried by fire. The path of a Judge was strewn with temptations. There were the temptations to venality, and to servility towards Royal and courtly influence, which are characteristic of immature juristic systems. There were political pitfalls for those who had not yet formed a clear conception of the true relation to each other of the Judiciary and the Executive. Each side in the constitutional struggle which was being waged between King and Parliament, showed a disposition to throw extra-judicial responsibilities upon the Judges, and to exploit for political purposes the public esteem which they were already beginning to enjoy.

The times called for a great Judge who by his personality and force of character could give a

right direction to the traditions and standards of the English Bench ; and the call was answered by one who had served his apprenticeship in Gray's Inn. This was Sir William Gascoigne, a scion of an old Yorkshire family of Norman extraction.

William Gascoigne passed through Cambridge and Gray's Inn to the Bar, where he signalized himself by the loyalty and courage with which, as " general attorney " of the banished Henry of Lancaster, Duke of Hereford, he defended his client's interests in the face of royal persecution. The Duke, when he ascended the throne as Henry IV, promoted his fearless advocate to be Chief Justice of England. Rebellions followed each other in quick succession. Gascoigne behaved with firmness towards the rebels, and with independence in his relations with the crown. When he was solicited by the King to pronounce sentence of death upon the Archbishop of York and the Earl Marshal without a regular trial, he gave the characteristic reply, " Neither you, my Lord, nor any of your subjects, can, according to the law of the realm, sentence any prelate to death, and the Earl has a right to be tried by his peers."

The incident in Gascoigne's life, which has been immortalized by Shakespeare in the *Second Part of King Henry IV*, has been the subject of much controversy among the historians. In

the result we prefer to accept the account which, to quote Lord Campbell, "rests on the sure tradition of Westminster Hall." It is handed down to us by an accurate lawyer of Queen Elizabeth's time, in his report of a case which occurred in the Court of King's Bench, when Sir Robert Catlyne was Chief Justice and Sir Robert Whidden was a Judge of that Court. The Report runs as follows: "Whidden cites a case in the time of Gascoigne, Chief Justice of England, who committed the Prince to prison because he would have taken a prisoner from the Bar of the King's Bench, and he, very submissively obeying him, went thither, according to order; at which the King was rightly rejoiced in that he had a Judge who dared to minister Justice upon his son the Prince, and that he had a son who obeyed him." Chief Justice Catlyne is represented as assenting to Whidden's version of the incident.

What happened to Gascoigne after King Henry V's accession has been the subject of much controversy. It was asserted by some historians that he died before the end of the reign of King Henry IV; but it has now been ascertained that he lived for six years under his successor. Shakespeare gave currency to the story that Henry V reappointed him Chief Justice with a gracious command "still to bear the balance and the sword." But history does not confirm the legend. He was summoned as Chief Justice to Henry V's

first Parliament, but he quickly resigned or was superseded; and the only real mark of royal favour that he received appears to have been a judicial pension, which took the form, in those days, of "four bucks and four does every year out of our forest of Pontefract." The historians have succeeded in pointing out some inexactness in Shakespeare's picture of Gascoigne; but they have failed to modify the popular conception of judicial courage and independence which, even before Shakespeare's time, had become associated with his memory. When Sir William Dugdale visited Gray's Inn, about 1660, he saw Gascoigne's Coat of Arms in one of the windows; and it is to be seen to-day in the bay window in the north-eastern end of the Hall.

III. THE WARS OF THE ROSES AND AFTER

THE standards of judicial conduct, which Chief Justice Gascoigne bequeathed to his successors, have endured to the present day. He was fortunate in having, in King Henry IV, a master who appreciated the value of maintaining the pure and impartial administration of Justice. Under Henry V we read little of the doings of the lawyers. *Inter arma leges silebant.* Shortly after Gascoigne's death, another member of Gray's Inn, Sir William Cheyne, was raised to the Bench, where he sat for nine years as a Judge, and for fifteen as Chief Justice. His career seems to have been a singularly peaceful and blameless one.

After an interval of twenty years there ensued a period of more than sixty years, from 1461 to 1525, when the chief justiceship of the King's Bench was occupied continuously by four eminent lawyers who had received their education at Gray's Inn. These were Sir John Markham, Sir Thomas Billing, Sir William Hussey, and Sir John Fineux. From the same House came Sir Thomas Bryan, who presided in the Court of Common Pleas for nearly thirty years (1471-1500), as well as two eminent puisne Judges, Sir William Yelverton and Sir Guy Fairfax. To these perhaps may be added Chief Baron Urswycke.

The period in question included the most

strenuous years of the Wars of the Roses. Some of the Judges owed their promotion to services rendered to one side or the other in the Civil War. But it has been pointed out by Mr. Edward Foss that such cases were exceptional. As a general rule, the violent changes of the time interfered very little with the regular administration of the law; and the Judges kept aloof from political movements. Hussey and Bryan presided in their respective Courts under four sovereigns, and appear to have enjoyed the confidence of the wearers of roses both red and white.

Markham and Yelverton were contemporaries and rivals. Markham became a Judge in 1443, Yelverton in 1444; Markham was in sympathy, and was popular, with the Yorkists; Yelverton leaned to the Lancastrian side. Edward IV, on his accession in 1461, made Markham Chief Justice in place of Fortescue, who had followed Henry VI into exile. Yelverton was disappointed and received a knighthood of the Bath, which Markham, his former comrade at Gray's Inn, is supposed to have obtained for him as a solatium. Markham was dismissed in 1469 for having the independence to direct the Jury in a trial for treason to find the prisoner guilty only of the lesser offence of misprision of treason. In the next century, Sir Nicholas Throckmorton, on his trial for complicity in Wyatt's rebellion in

the reign of Philip and Mary, appealed to the Court to follow the example of "Judge Markham and others who eschewed corrupt judgment." Markham's upright independence has received recognition from both Hallam and Macaulay.

Markham was succeeded as Chief Justice by Sir Thomas Billing, whose association with Gray's Inn is evidenced in the Paston letters. His career is rendered interesting by the controversy which it aroused between two of the best-known biographers of Judges and Chief Justices.

Lord Campbell, who prided himself upon a gift of producing pen pictures, sometimes mixed an undue proportion of gall with his ink. He represents Billing as a man of obscure origin, who obtained a practice at the Bar by discreditable means, began his political career by donning the red rose, and changed colours when the white rose became uppermost. Lord Campbell went on to accuse Billing of acting basely in obtaining the conviction for treason of Walter Walker, Keeper of the Crown Inn, for having said that he would make his son "heir to the Crown," meaning his inn, and of Sir Thomas Burdet, for expressing a wish that a favourite buck of his, which the King had killed, "was in the King's belly, horns and all."

On the other hand, Mr. Foss, in his Lives of the Judges, traverses all these statements, assert-

ing that Billing was a man of respectable family and of high reputation in his profession, who took no prominent part in politics. He goes on to offer evidence that Walter Walker was tried four years before Billing was elevated to the Bench, and that the story of Sir Thomas Burdet's "buck" and "belly" was a figment and was unsupported by the records and reports of the proceedings.

Here we have a very pretty quarrel between Billing's biographers which it would be a pity to spoil. Anyhow, Billing held his place as Chief Justice under both Lancastrians and Yorkists for a dozen years or more.

Sir Thomas Urswycke's biographers have been unable to identify his Inn of Court with any certainty. In a grant of the site of Gray's Inn from one of the Barons de Grey, his name appears as one of the feoffees together with those of Sir Thomas Bryan, Sir Guy Fairfax, Henry Spelman and other lawyers, who were members of the Society. The occurrence of his name in this context does not conclusively prove that he was a member of Gray's Inn, but it makes it probable, and offers an excuse for a brief reference to the interesting circumstances which suddenly elevated him to a high judicial post.

Urswycke, who was Recorder of London and M.P. for the city, was entirely devoted to the Yorkist cause. In 1471 King Henry VI regained

SIR SAMUEL ROMILLY

the throne for a few months and established himself in the Bishop of London's Palace. During this period none of the Judges were removed except the Chancellor and the Master of the Rolls. Urswycke, assisted by certain influential aldermen, and taking advantage of his position as Recorder and of the garrison's dinner hour, opened a postern gate to King Edward, thus enabling him to seize Henry and his principal supporters, and eventually to replace himself upon the throne. In the fighting which ensued Urswycke took the field and served with distinction. King Edward rewarded him by making him Chief Baron of the Exchequer.

Hussey, who succeeded Billing as Chief Justice of the King's Bench, was the first Attorney-General to be raised directly to the Chief Justiceship. He is chiefly remembered for his courage and firmness in successfully remonstrating with King Henry VII against the practice of consulting the Judges beforehand in Crown cases which were afterwards to come before them. His successor, Sir John Fineux, first attracted notice by his bold opposition to the imposition of the "tenth penny." "Let us see," he is reported to have said, "before we pay anything, whether we have anything we can call our own to pay." In spite of the prejudice which his attitude upon this question aroused among persons in authority, the King perceived his merit, and

selected him for advancement to high judicial office.

Sir Thomas Bryan is a type of the learned and industrious judges of former days, who spent their lives laying the bricks with which our Common Law was built up. His name is not remembered for any striking act of independence, such as those which have become traditionally associated with the memory of Gascoigne, Markham, and Hussey. But the Year Books abound with his opinions quaintly and concisely expressed in the jargon of that time. He was appointed by Edward IV, and was reappointed by Richard III and Henry VII. Mr. Foss draws the inference that he commended himself to successive sovereigns by his eminence as a Judge.

These were not the only distinguished lawyers and judges of the time of the Wars of the Roses, and of King Henry VII, who were trained at Gray's Inn, but their careers afford sufficient evidence of the fruits of its training in that age.

A man of very different type was Edmond Dudley, a distinguished lawyer, who deserted the Bar for politics, became a Privy Councillor, Speaker of the House of Commons, and Finance Minister of the money-loving King Henry VII. Under his auspices the King is said to have amassed four million and a half pounds in coin and bullion, while Dudley himself left immense

estates and great wealth. When his master died, Dudley was left to bear a terrible burden of public odium, which he carried with him to the scaffold on Tower Hill. His son, John, became a member of Gray's Inn, was created Duke of Northumberland, played a magnificent part in the next two reigns, and ended on Tower Hill like his father.

IV. THE TIME OF HENRY VIII

WE have now reached the period when the Lords Grey de Wilton severed their connection with Gray's Inn. At the end of Henry VII's reign in 1506, the Lord Grey of that day alienated the property to Hugh Denys, a gentleman who held several public employments and ultimately became an Esquire of the body to King Henry VIII. In the deeds of transfer, several members of Gray's Inn were joined as grantees with Hugh Denys and his wife. The reason of their joinder is not explained. Perhaps it was for the protection, or in recognition, of the substantial interest which the Society must have acquired in a property which it had occupied for more than a hundred and thirty years.

After the death of Hugh Denys, the landlord's interest in Gray's Inn was sold to the Prior and Convent of the celebrated Carthusian House of Jesus of Bethlehem at Shene in Surrey. It thus came about that Gray's Inn had direct relations with two of the richest and most important of the Carthusian communities in England, since they had to pay rent to the Prior and Convent of Shene, and they were in receipt, from time immemorial, of an annual payment for the provision of a Chaplain from the Prior and Convent of St. Bartholomew's in Smithfield. It was at this period, in the year 1520, that the

Prior of St. Bartholomew's, and five of the principal Abbots of England, as well as William Atwater, who had succeeded Cardinal Wolsey as Bishop of Lincoln, became members of Gray's Inn. Before another forty years had passed, these ties were broken by the dissolution of the Monasteries. The Society of Gray's Inn then became tenants of the Crown, and the Crown came under an obligation to provide the Chaplain's salary. In the decree of the Court of Augmentations carrying out the latter arrangement, it is recited that the Prior and Convent of St. Bartholomew had "tyme oute of mynde" found a Chaplain to sing and say Mass in the Chapel at Gray's Inn, "for the studyents, gentlemen and fellowes of the same house of Gray's Inn."

It was in this reign that there began the association of Gray's Inn with the family of Wriothesley, the first of whom was Sir Thomas Wriothesley, who officiated as Garter King-at-Arms at the Field of the Cloth of Gold and at all the Court ceremonies of that time. He was a member of Gray's Inn, and probably had something to do with the initiation of the rare collection of old heraldic windows which adorn the Hall. He had a nephew Thomas, who was admitted to the Inn in 1534, and afterwards rose to be Lord Chancellor.

In the time of King Henry VIII, Gray's Inn

was represented on the judicial bench by about a dozen of its members, the most distinguished of whom was Sir Anthony Fitzherbert, author of "The Grand Abridgement" and of other learned works, one of which was an expansion of the "Reading" which he delivered as Reader in Gray's Inn Hall. The "Grand Abridgement" was a digest of the Year Books, and was one of the earliest attempts to systematize the case law of England. In the next century, Sir Anthony Fitzherbert found a eulogist in Sir Edward Coke, and a commentator in Sir Matthew Hale; and the direct influence of his learned writings upon our law was observable for two hundred and fifty years or more. As a Judge, he not only exhibited great learning, but he also displayed a manly independence which exposed him to a severe rebuke from Cardinal Wolsey.

Fitzherbert was not the only Gray's Inn man who fell foul of the imperious Cardinal. Reference has been made in a previous chapter to a Masque at Gray's Inn in 1521, which, by tilting at misgovernment and hinting at public discontent, roused Wolsey's suspicion and anger. As a result, Mr. Sergeant Roo, the reputed author of the Masque, and Thomas Moyle, the principal actor, were sent to prison, and another masquer, Simon Fish, had to fly to the Continent.

A notable co-temporary of Wolsey was Charles Brandon, whom the King made his favourite

and raised to the Dukedom of Suffolk. Charles Brandon was a member of Gray's Inn. It was probably in the first or second year of the reign that he was admitted to the Inn, in contemplation of his appointment as Marshal of the Court of King's Bench, which was the first rung in the ladder of his phenomenal advancement. He, like Hugh Denys, the landlord of Gray's Inn, was an Esquire of the body of the King ; and this may explain Charles Brandon's choice of this particular Inn of Court.

Charles Brandon's membership of Gray's Inn was proved in 1901, when during some repairs of the north-western corner of the Hall, his coat of arms was discovered. It was carved upon a spandrel of the ancient stone door which in the time of Henry VIII formed the principal entrance to the Hall, and it had been defaced by being plastered over. The escutcheon was probably defaced after the accession of Queen Mary, when the tragical ending of Charles Brandon's granddaughter, Lady Jane Grey, rendered it objectionable to the Government.

When we recall Charles Brandon's extraordinary career, his campaigns and embassies, his elevation to the highest rank to which a subject could attain, his marriage to his sovereign's sister the widowed Queen of France, the commanding influence which he enjoyed after Wolsey's fall, the conspicuous part which he

played in the field, in the Council Chamber, and in the domestic affairs of the King, we cannot be surprised that his Inn of Court chose his escutcheon to decorate the chief entrance to their Hall.

It was after Wolsey's fall and Brandon's retirement from political activity that the policy and temper of the King took such an arbitrary and vindictive direction that it became difficult for any Judge or Minister to serve the State with loyalty and at the same time without dishonour. That was the kind of dilemma that presented itself to such men as Thomas Cromwell, who entered Gray's Inn in 1524, at a time when he was Wolsey's trusted counsellor in affairs of business and of law. In due course he became an "ancient" and qualified to practise in the Courts, and was appointed Master of the Rolls. It would have been better for him if he had been content with the duties of that judicial office. He gave it up to enter upon six years of dazzling advancement. A peerage, vast estates, the Chamberlain's staff, the privy seal, the riband of the Garter, the Earldom of Essex—these were the glittering steps in his ascent to the scaffold. His fidelity to Wolsey after the Cardinal's fall was the most creditable trait in his character. It showed that, if Cromwell was too compliant a servant, he was not an unfaithful one.

In 1538 it became Thomas Cromwell's duty,

acting as Vicar General of the King, to order the spoliation of Saint Thomas à Becket's shrine and the suppression of the Canterbury pilgrimage. This proceeding was followed by the fulmination of a sentence of excommunication by the Pope against the King of England, and by a royal declaration that the death of Thomas had been untruly called a martyrdom, that he should no longer be called St. Thomas of Canterbury, but Bishop Becket, and that all images and pictures of him should be obliterated. Here we have the explanation of an entry in the Records of Gray's Inn, in May of 1539, from which it appears that the Benchers directed one of the Readers to remove from the chapel a window "whereon the picture of the said Archbishop was gloriously painted."

One of Thomas Cromwell's protégés was a young member of Gray's Inn, Thomas Wriothesley, nephew of the Garter King-at-Arms, who has already been mentioned. He had been knighted when Cromwell was created an Earl ; and it was generally expected that he would follow his patron to the scaffold. But the storm passed over his head. Within four years he found himself Lord Chancellor at the age of thirty-eight, and he retained the seals for the remainder of the reign. Having abandoned the Bar for a political career, and not feeling confident of his capacity to preside in the Court of Chancery, he prudently issued a

commission with the King's consent to the Master of the Rolls and other Judges to hear causes in his absence, and devoted himself to the duties of First Minister of the Crown. It was during this period that Anne Askew was tortured and executed, and that the gifted Earl of Surrey was beheaded for treason. Surrey's father, the third Duke of Norfolk, was rescued from the same fate by the opportune death of the King on the eve of the day fixed for his execution.

During this reign the records of the Society afford evidence of occasional disturbances among the students, and of over-crowding among the residents in the Inn. There were encounters between the students of Gray's Inn and those of Lincoln's Inn and of Strand Inn, to suppress which seems to have required considerable tact on the part of the Authorities. That the Inn was over-crowded appears from a curious letter, which was read at a meeting of the Benchers in 1529, from Sir Thomas Neville, expressing his willingness to accept the Attorney-General (Sir Christopher Hales) as his bedfellow. This Sir Thomas Neville had been a Privy Councillor and a member of the Star Chamber, had followed the King to the Field of the Cloth of Gold with Charles Brandon, and had done a great deal of quasi-judicial work on Commissions of Inquiry. Sir Christopher Hales had been responsible for the prosecution of Wolsey, Sir Thomas More,

Bishop Fisher, and Anne Boleyn. "But," says Mr. Edward Foss, "history charges him with no harshness in performing his duties." He succeeded Cromwell as Master of the Rolls.

The windows of Gray's Inn display the escutcheons of two distinguished cousins of Charles Brandon, members of the Inn, who probably owed their opportunities of advancement to the influence of their powerful kinsman. These were Sir Humphrey Wingfield and Sir Richard Wingfield. Sir Humphrey was Speaker of the House of Commons when the Acts of Supremacy and Succession were passed. The King availed himself of his legal training by making him a legal member of his Council and by appointing him a Commissioner of Oyer and Terminer to try cases of high treason in the eastern counties. His brother, Sir Richard Wingfield, had an even more notable career. By his marriage with Catherine Woodville, younger sister of Edward IV's Queen, and widow of Jasper Tudor, Henry VI's half-brother, he became doubly connected with the Royal family. He it was who negotiated the meeting of the Field of the Cloth of Gold. He also represented the King as the mediator between the King of France and the Emperor Charles V. For this service he was rewarded with the Garter. There are two coats of arms of his in the Hall, one of which is encircled with the Garter.

There was another commoner whose escutcheon is encircled with the Garter on the window of Gray's Inn. This was Sir Reginald Bray, a barrister of Gray's Inn, who, in the previous reign, became Chief Justice of the forests south of the Trent. He was more successful as a statesman. But his real fame rests upon his achievements as an amateur architect, for he was the designer of St. George's Chapel at Windsor, and of the Chapel of King Henry VII, at Westminster.

Such are some of the traditions which link the Society of Gray's Inn with the reign of King Henry VIII.

V. THE REIGNS OF EDWARD VI & AND OF PHILIP & MARY

WHEN King Edward VI came to the throne, Sir Thomas Wriothesley, who had become Lord Wriothesley, was Lord Chancellor and was one of the executors of the late King ; but his attachment to the principles of the old religion, and his association with the odious policy of the last reign, exposed him to the hostility of the majority of the Council. They allowed him to become Earl of Southampton, but they soon began to look for some pretext for getting rid of him. For this purpose they took advantage of an inadvertence on his part in renewing a commission for the hearing of causes in Chancery without obtaining the authority of the Council of Regency. He revenged himself for his removal from office by helping to bring about the fall of Protector Somerset, but he gained nothing by it. His influence waned, while the chief power in the Council passed to John Dudley, Earl of Warwick, who quickly made himself Duke of Northumberland. Wriothesley's vexation and disappointment are said to have affected his health and to have accelerated his death. His successful rival, Northumberland, took his place at Gray's Inn, to which he was admitted as a member shortly after Wriothesley's decease.

During these reigns Gray's Inn was represented on the Judicial Bench by a Lord Chancellor,

Archbishop Stephen Gardiner, and by Sir William Coke, Sir John Hinde, Sir Edmond Molyneux, Sir William Dalison, Sir James Hales and Sir William Stanford. Stephen Gardiner became a member of the Inn after he was raised to the Chancellorship, so that his connection with the Society was a brief one. His portrait hangs over the eastern door of the Hall, which was being re-edified during the whole period of his membership.

Of the six Judges who have just been named, two deserve more than a passing mention. Sir William Stanford was the author of works of great authority upon the Pleas of the Crown and on the King's Prerogative, and he enjoyed a high reputation for learning. Sir James Hales's death, which occurred under very peculiar circumstances, led to consequences which are alluded to in a well-known passage in Shakespeare's most famous play. He was a highly scrupulous and conscientious Judge who strove to act with strict legality between the rival factions and religions. Ultimately, he came into collision with Stephen Gardiner, with the result that he was imprisoned, became insane, and drowned himself in a shallow stream near Canterbury. A Coroner's Jury gave a verdict of *felo de se*, the effect of which was to cause a forfeiture of his estates, and to give rise to a nice question of law. The question appears to have been

whether the forfeiture of a leasehold estate operated from the date of his death or from the date of the lease. In the course of the lawsuit, which was brought for the purpose of settling this point, an ingenious advocate delivered a strange argument, which fortunately has been preserved in Plowden's Reports for the instruction of posterity. It ran as follows : " Sir James Hales was dead, and how came he to his death ? It may be answered by drowning ; and who drowned him ?—Sir James Hales ; and when did he drown him ? In his life-time. So that Sir James Hales being alive caused Sir James Hales to die, and the act of the living was the death of a dead man. And then after this offence it is reasonable to punish the living man who committed the offence and not the dead man ! "

This curious masterpiece of legal dialectics is said to have captivated the imagination of the profession and the public, by " the unfathomable profundity of its reasoning," and to have suggested to Shakespeare the argument which he put into the mouth of the grave-digger in Hamlet : " Here lies the water ; good ; here stands the man ; good ; if the man goes to this water, and drowns himself it is, will he, nill he, he goes; mark you that; but if the water come to him, and drown him, he drowns not himself, *ergo* he that is not guilty of his own death, shortens not his own life." Sir James Hales was a

learned and upright judge ; but it was not by his learning and integrity that he obtained an enduring place in English literature.

Several members of Gray's Inn were deeply concerned in the tragical end of Lady Jane Grey. John Dudley, Duke of Northumberland, whose association with the Inn has already been alluded to, was the most powerful man in England towards the close of Edward VI's reign. He formed the design of bringing the dynasty into his family by marrying his son, Lord Guilford Dudley, to Lady Jane Grey, the grandchild of Charles Brandon and of Henry VIII's younger sister, Mary. How this wild scheme brought him and his son and the unfortunate Lady Jane Grey to the scaffold, is too well-known to be repeated here. Another member of the Inn, Francis Russell, second Earl of Bedford, had been an attesting witness of the settlement of the Crown upon Lady Jane Grey, but he managed to escape to the Continent. It is probable that it was after these events that the escutcheon of Charles Brandon on the principal door of the old Hall was plastered over, as it had become an emblem of usurpation.

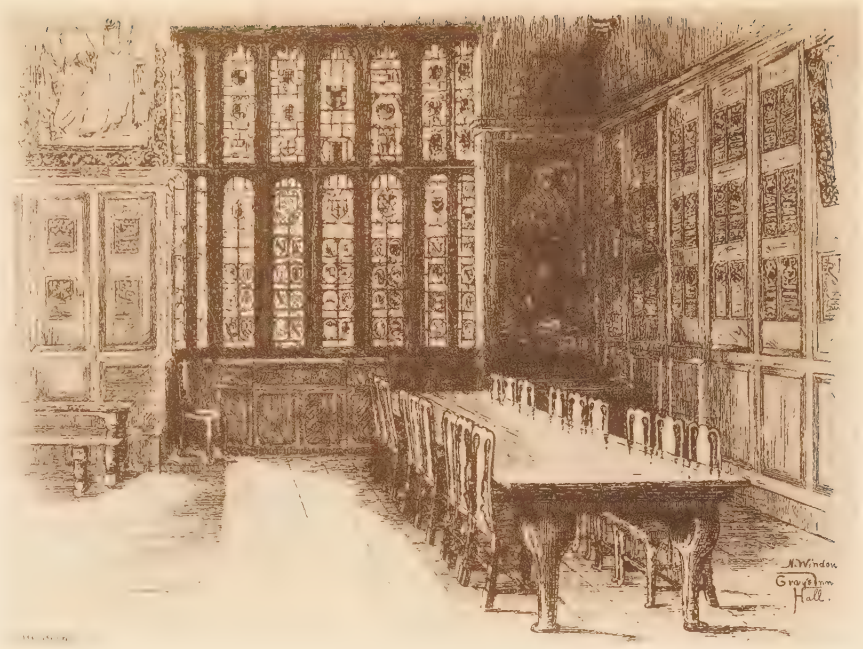
Two members of the Inn, Lord Paget, the founder of the noble family of that surname, and Thomas Radcliffe, third Earl of Sussex, were largely instrumental in bringing about Queen Mary's marriage to King Philip of Spain.

Philip would have made Paget Lord Chancellor on the death of Gardiner, if Mary had not insisted on the appointment of an ecclesiastic.

The changes which took place in these reigns in religious observances were reflected in the records of Gray's Inn. On Edward VI's accession those utensils of the Chapel which were prohibited by the Act of reformation, were ordered to be sold. When Queen Mary came to the throne the ceremonial ornaments, including altar cloths, albs and girdles, were restored at the cost of the Society. After Elizabeth came to the throne the new order of things led to further changes ; and strict regulations were made as to attendance on divine service.

The records of the Society in these reigns throw some light upon its course of education and upon its social life, and indicate that it was the policy of the Benchers to place some limitations upon the time spent in revels and plays, and upon the cost of the feasts which the Readers used to give during their term of office. We find that from time to time the Benchers made orders forbidding the acting of comedies except at Christmas time, allowing a hogshead of wine to the Readers as a contribution towards their entertainment expenses, limiting the number of servants employed on such occasions, and imposing fines on any person who refused the office of Reader.

Two interesting events in the reign of Philip and Mary were the wainscoting and re-edification of the Hall. It was wainscoted in the fifth year of King Edward VI. The contemporary entry in the records describes it as the "Old Hall," thus showing that it had already (1550-1552) earned the title of "old." The re-edification of the Hall "as it now standeth," was begun in 1556 (3-4 Philip and Mary), and finished in the second year of the next reign (1559-1561), at a cost of £863 10s. 8d. Except for the screen which was added in the reign of Elizabeth, and was according to tradition a gift of that Queen's, and for some wainscoting which was done in the early 18th century, the Hall is substantially in the same state to-day as it was after its re-edification, more than three and a half centuries ago.



THE HALL GRAYS INN

VI. THE TIME OF QUEEN ELIZABETH

THE reign of Queen Elizabeth was Gray's Inn's golden age. The Inn contributed a fair proportion of its members to the Bench—among them Sir John Jeffreys, Chief Baron of the Exchequer, Sir William Dalison, Sir Francis Rodes, Sir Robert Chute, and Sir Christopher Yelverton. To Ireland were sent from Gray's Inn Sir William Gerrard as Lord Chancellor, and Sir Thomas Snagge as Attorney-General.

The exceptional prestige which Gray's Inn enjoyed during this reign was mainly traceable to the energy and the influence of three of its members, who occupied in different degrees positions of great importance in the State, and lost no opportunity of advancing the interests, and of enhancing the reputation, of their Inn of Court. These were Sir William Cecil, afterwards Lord Burghley, Sir Nicholas Bacon, and Sir Gilbert Gerrard.

When Elizabeth came to the throne, Nicholas Bacon had been for more than twenty years a practising barrister, and had held several important posts, including that of Attorney to the Court of Wards. He had acted as Treasurer of Gray's Inn on several occasions, on one of which he was joined in the Treasurership with Gilbert Gerrard. William Cecil had been called to the Bar at the same time as Gerrard, and had obtained

a valuable legal office ; but he had given up the idea of practising and had branched into politics. He had served King Edward VI as Secretary of State, and Queen Mary as a Diplomatic Envoy. He had been fortunate in surviving the troubles of those reigns with no further inconvenience than a few months' imprisonment in the Tower. Both Cecil and Nicholas Bacon had been in communication with the Princess Elizabeth before her accession, and Gilbert Gerrard had rendered her some important service, perhaps as her advocate before the Council.

Immediately upon her accession Queen Elizabeth appointed William Cecil to be Secretary of State, Nicholas Bacon to be Lord Keeper of the Great Seal, and Gilbert Gerrard to be Attorney-General. Cecil and Bacon continued to interest themselves actively in the prosperity of Gray's Inn. Gerrard was the most energetic member of its governing body. His name occurs more than thirty times in the records of attendance at the regular meetings of the Benchers.

Cecil and Bacon had become brothers-in-law, having married sisters, and were on terms of intimate friendship. They had favoured the idea of applying some of the confiscated revenues of the Monasteries to the establishment of a University in London that would be a training place for statesmen. The plan fell through ;

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but they seem to have persisted in carrying it out on a smaller scale at Gray's Inn. The records of the Society afford abundant evidence of the steady policy which they pursued of introducing into the Inn the most prominent men of the day, and especially young men of rank with a view to fitting them for the public duties which in those days were regarded as incidental to their station. In their efforts in these directions they were aided by circumstances and by the pre-eminent positions which they occupied in the Councils of the young Queen, whom they watched over and guided much as Lord Melbourne watched over and guided Queen Victoria in the early years of her reign. Cecil was grave, subtle and prudent. He was also a man of imagination and of high purpose who knew how to rule with courage and with wisdom. His personality made a deep impression upon the brightest intellects of his own time as well as of subsequent ages. Ben Jonson made him the subject of a noble eulogy. Shakespeare is said to have had him in his mind as a model of statecraft. Southey called him "Eliza's Pillar of Council." Tennyson associated his "aid" with Elizabeth's ambition "to make England great." Throughout his life he showed a loyal fidelity to St. John's College, Cambridge, of which he had been a member, and to Gray's Inn, which had been his Inn of Court.

Cecil became Master of the Court of Wards, with which Nicholas Bacon had been officially connected. He is said to have taken a deep interest in the work of his Court, striving to remove its abuses, and, at the same time, to make it a source of increased revenue to the State. He certainly lost no opportunity of having his wards admitted to membership of Gray's Inn.

To Gray's Inn Burghley introduced his two sons, Thomas, afterwards Earl of Exeter, and Robert, afterwards Earl of Salisbury, and his son-in-law, Edward De Vere, seventeenth Earl of Oxford. Nicholas Bacon brought to the Inns his five sons, of whom several had distinguished careers before them, and Francis, the youngest, was destined to become Lord Chancellor, and to win enduring fame as the greatest philosopher that England has ever produced.

Besides these family groups of Cecils and Bacons there came to Gray's Inn such a cluster of brilliant men as has seldom been collected in one seat of learning at any period of the history of England. They included many of those eminent public servants upon whom was thrown the responsibility of waiting upon the Queen or of carrying out her policy. One was Sir Francis Walsingham, Chief of her Secret Service at home and abroad, her trusted

agent in many diplomatic missions as well as in her communications to, and in her relations with, the Queen of Scots. Others were Sir Henry Sidney, thrice Lord Deputy of Ireland ; Charles Howard of Effingham, Earl of Nottingham, who commanded the English Fleet against the Spanish Armada ; John Whitgift, Primate for twenty years, and the Queen's main instrument in her policy of religious uniformity ; Sir John Wolley, the Queen's Latin Secretary ; and Sir Charles Parry, her Captain of the Guard.

Mary Queen of Scots had friends and enemies among the members of Gray's Inn. When she escaped to England in 1568 and took refuge in Carlisle, three members of Gray's Inn quickly became involved in her proceedings. These were Thomas Howard, Duke of Norfolk, who aspired to her hand ; his brother-in-law, Lord Scrope of Bolton, Governor of Carlisle ; and Thomas Percy, 7th Earl of Northumberland, who as chief magnate of the North, claimed the right to be her custodian. Elizabeth and Cecil, distrusting Northumberland, committed her to the care of Lord Scrope in his castle of Bolton, one of the most impregnable fastnesses of England. Intrigues were set on foot for her marriage to the Duke of Norfolk, whose sister, Lady Scrope, acted as intermediary. At first these plans were not necessarily disloyal to

Elizabeth, because Norfolk may have contemplated retiring with Mary to Scotland. But there was no possibility of reconciling the cause of Mary with loyalty to Elizabeth. Norfolk became implicated in Ridolfi's Spanish plot; Northumberland led an abortive rising on Mary's behalf in the North. Both young men perished on the scaffold in 1572. Thenceforward Mary had very few friends at Gray's Inn; and when she was brought to trial several of the judges who condemned her were members of the Society, viz., the Earls of Oxford, Kent, and Nottingham; Lord Strange, afterwards 4th Earl of Derby, Sir Walter Mildmay, and others.

Elizabeth and Burghley made much use of the nobles who had received their legal training at Gray's Inn. For example, the Earl of Oxford, who was Burghley's son-in-law, took part in the trials of the Earls of Arundel, Essex, and Southampton. He was not always a docile instrument. He took up the cause of his friend and kinsman, the Duke of Norfolk, very warmly, schemed for his rescue from the Tower, and quarrelled with Burghley over the Duke's sad fate.

It was about the time of Mary's escape to England that two prominent public men were admitted to the Inn, Thomas Butler, the "Black Earl" of Ormonde, and Sir Philip Sidney, who made for himself a place in history as the perfect

ideal of what a gallant, chivalrous, cultured gentleman ought to be. Ormonde, having been engaged in a bitter conflict in Ireland with the Earl of Desmond, came to London and won Queen Elizabeth to his side. He spent several years at Court in high favour with the Queen ; and it was during this period that he was admitted to Gray's Inn.

Sir Philip Sidney came as a boy of thirteen to the Inn of which his father was also a member. He was introduced by Burghley, who recognized his brilliant qualities, and wrote to his father : " I do love him as if he were my own." The poet Spenser was devoted to " that most heroic spirit " and dedicated to him his 'Shepheard's Calender.' Shakespeare was indebted to him for the form of his own sonnets, and borrowed hints from his Arcadia. His death at the age of thirty-two from a wound received at the Battle of Zutplen evoked more than two hundred poetical memorials, and drew from Shelley, more than two hundred years afterwards, the word-portrait of the "arising" of

> Sidney as he fought
> And as he fell, and as he lived and loved,
> Sublimely mild, a spirit without spot.

Philip Sidney was one of many links in a chain of family associations with Gray's Inn. He married the daughter of Francis Walsingham who was one of Burghley's comrades in the

Society. His sister Mary, who was almost as much belauded by poets and men of letters as Sir Philip himself, married the 2nd Earl of Pembroke, and was the mother of the 3rd Earl who inherited her love of poetry and literature. Her memory is perpetuated in Ben Jonson's epitaph :

Underneath this sable hearse
Lies the subject of all verse—
Sidney's sister, Pembroke's mother.
Death ! ere thou hast slain another
Wise and fair and good as she,
Time shall throw a dart at thee.

Philip Sidney's daughter, whom Ben Jonson described as " nothing inferior to her father in poesie," married Roger, 5th Earl of Rutland.

It was after Philip Sidney's death that his nephew William Herbert, Earl of Pembroke, and his son-in-law, the Earl of Rutland, became members of Gray's Inn, into which a third young nobleman, of the same generation and of similar tastes, had already been introduced by Lord Burghley. This was Henry Wriothesley, third Earl of Southampton. Rutland's father had been a member of the Inn, and Southampton was the grandson of the first Earl, who has already been noticed as Henry VIII's Lord Chancellor. These young men, Southampton, Rutland, and Pembroke were regular patrons of the drama, and their names have become associa-

ted with the life and work of William Shakespeare. They are believed to have been the models whom he reproduced upon the stage under such names as Bassanio, Gratiano, Romeo, Benedict, Florizel and Valentine. It was to Southampton that the poet dedicated his *Venus and Adonis* and his *Lucrece* ; and, if Pembroke was not (as some believe) the hero of the sonnets, it was to him that Shakespeare's fellow actors dedicated the First Folio of his plays. It is not surprising to find that Shakespeare was familiar with Gray's Inn. He introduced it in the *Second Part of King Henry IV* as the background of the pugilistic encounter which Mr. Justice Shallow is said to have fought with Stockfish the fruiterer ; and, as we shall see in the next chapter, one of his plays was acted in Gray's Inn Hall, presumably with his personal assent and approval.

To enumerate all the interesting personages who became members of Gray's Inn in the time of Elizabeth would exceed the limits of this book. A reference may be made to some of those who were connected with her Irish policy. There were generals like Sir Henry Sidney, Lord Mountjoy, and Lord Carew ; and there were Irish nobles who were on her side, such as Henry Fitzgerald, 12th Earl of Kildare, his brother-in-law Lord Delvin, and the Earl of Clanrickarde. Henry Fitzgerald was the nephew

of the 10th Earl of Kildare, known in Irish history as "Silken Thomas." Fifty years had passed since Silken Thomas, and his five uncles, had been executed for high treason on Tower Hill, and their estates had been forfeited. The race would have been wiped out if Silken Thomas's brother had not escaped to Italy. He became Master of the Horse to Cosmo de Medici, Duke of Florence, returned to England after the death of Henry VIII, and was restored to his former rank and estates. He died in 1585, and his son was admitted to Gray's Inn by Burghley at the age of seventeen. He married the daughter of the Earl of Nottingham, of Armada fame, and by his prowess in the field was called in Ireland "Henry of the Battleaxes."

Ireland has sent many brilliant lawyers to Gray's Inn. At the present time the Society includes among its members the Governor-General of Southern Ireland, the President of its Senate, three ex-Judges of the Irish High Court, and a considerable number of Irish barristers and students representing every shade of opinion and point of view in that island.

VII. MASQUES AND REVELS

QUEEN ELIZABETH took a keen pleasure in masques and revels, many of which were organised for her by the barristers and students of Gray's Inn. On one occasion, at her palace at Greenwich, when the Gray's Inn masquers were presented to her after one of their entertainments, as we read in a volume published shortly afterwards, the Queen "gave unto them her hand to kiss with most gracious words of commendation to them particularly, and in general of Gray's Inn, as an house that she was much beholden unto, for that it did always study for some sports to present unto her."

A notable contributor to the theatrical entertainments at Gray's Inn was the poet and dramatist, George Gascoigne, a descendant in the sixth generation from the great Chief Justice Gascoigne of the time of King Henry IV. He was called to the Bar at Gray's Inn, but he quickly turned his attention to the Muses, abandoning the Bar, but not abandoning his Inn. He enjoyed a high reputation in his day, as is evidenced by the fact that he was taken to Kenilworth Castle by Elizabeth and the Earl of Leicester, to write verses and masques for the Queen's entertainment, and to describe in a volume, which was afterwards published, "the Princelye pleasures of the Courte of Kenilworth." For Gray's Inn, in 1566, he adapted Euripides'

"Phœnissæ," in collaboration with another dramatist of the day, Francis Kinwelmarsh, who also was a member of the Inn. They gave the name of "Jocasta" to the piece, which was one of the earliest English tragedies in blank verse. Christopher Yelverton, a young lawyer with a future, wrote the epilogue. In the same year George Gascoigne produced at Gray's Inn "The Supposes," which was an adaptation of a comedy of Ariosto's. "The Supposes" is the earliest extant comedy in English prose.

More than twenty years later—in 1587–8—we find Gray's Inn as active as ever in the production of dramatic pieces. In January of that year a comedy was produced at which Lord Burghley and Lord Ormonde, as members of the Society, brought as their guests the Earl of Leicester, and the fourteenth Lord Grey de Wilton, who must have been an interested and a welcome visitor to the old manor house of the Greys. A few weeks afterwards eight members of Gray's Inn produced Thomas Hughes' tragedy, "The Misfortunes of Arthur," for the Queen at Greenwich. On this occasion Christopher Yelverton, who was now a prominent member of the Bar, and was soon to be a Serjeant-at-Law and Speaker of the House of Commons, was assisted by Francis Bacon in devising the dumb show connected with the piece. Francis Bacon

was twenty-six years old, and had recently become a Bencher of the Inn. He was making a reputation in Parliament, and was inflamed with ambition. But he was disheartened by his failure to gain the support of his uncle, Lord Burghley, in furtherance of his desire for preferment. His moderation of mind, and his leaning towards a policy of compromise were not calculated to recommend him to the Queen or to her principal Minister.

Of all the revels that were held at Gray's Inn in Elizabeth's reign, the most famous were those of Christmas, 1594, which extended over a fortnight or more, and were revived at Shrovetide for the Queen at Greenwich. They are described in a curious volume entitled "*Gesta Grayorum*, or the History of the High and Mighty Prince Henry, Prince of Purpoole, Archduke of Stapulia and Bernardia, "(referring to Staple Inn and Barnard's Inn, which were Inns of Chancery attached to Gray's Inn), "Duke of High and Nether Holborn, Marquis of St. Giles and Tottenham, etc., etc." The Prince of Purpoole was a young member of the Inn named Henry Hulme (or Helme), chosen for his accomplishments, his fine appearance, and his activity in revelling and dancing.

It was on one of the Grand Nights of these revels that Shakespeare's "Comedy of Errors" was acted. The following account of the pro-

ceedings of that evening is given by Sir Sidney Lee, the most reliable of all the poets' biographers :

"At the close of 1594 a performance of Shakespeare's early farce, the 'Comedy of Errors,' gave him a passing notoriety that he could well have spared. The piece was played (apparently by professional actors) on the evening of Innocents' Day (December 28th), 1594, in the hall of Gray's Inn before a crowded audience of benchers, students and their friends. There was some disturbance during the evening on the part of guests from the Inner Temple, who, dissatisfied with the accommodation afforded them, retired in dudgeon, 'So that night,' a contemporary chronicle states, 'was begun and continued to the end in nothing but confusion and errors, whereupon it was ever afterwards called the Night of Errors. Shakespeare was acting on the same day before the Queen at Greenwich, and it is doubtful if he was present. On the morrow a Commission of Oyer and Terminer inquired into the causes of the tumult, which was mysteriously attributed to a sorcerer having 'foisted a company of base and common fellows to make up our disorders with a play of errors and confusions.'"

A few nights afterwards a brilliant assemblage was present to watch the revels and to pay homage to the Prince of Purpoole. Sir Nicholas

Bacon, Lord Burghley, his son Sir Robert Cecil, the young Lords Southampton and Compton, Francis Bacon, and other distinguished members of the Inn were there, and among the guests were Lord Shrewsbury, son of the jailer of Mary Queen of Scots, and the Earl of Essex, who at that time was using his influence with the Queen to push the fortunes of Francis Bacon. Six years later, Lord Essex and Bacon were to act leading parts in a tragedy with Essex on his trial for high treason, and with Francis Bacon among his prosecutors.

On the next day the Prince of Purpoole, attended by eighty gentlemen of Gray's Inn and of the Temple, made a state progress to the city, where they were feasted by the Lord Mayor, Sir John Spencer, at Crosby Place, which he had purchased and restored at great cost. It was about this time that a young member of Gray's Inn, Lord Compton, carried off Sir John Spencer's daughter, and married her, in spite of her father's strong opposition. The young lady was smuggled out of his country house in a baker's basket. Sir John had an extensive trade with Spain, Venice and Turkey, and was known as "Rich Spencer." Elizabeth ultimately reconciled him to the marriage, and he left a fortune of more than half-a-million to his daughter, which is said to have turned the head, and even the brain, of his son-in-law Compton. History

does not relate whether young Compton was one of the retinue of the Prince of Purpoole who dined with the Lord Mayor at Crosby Place, or whether he took advantage of the occasion to forward his courtship of the Lord Mayor's daughter. Sir John Spencer was himself admitted a member of Gray's Inn at this time. A previous Lord Mayor, Sir Thomas Gresham, founder of the Royal Exchange, had already been admitted to the Inn by Lord Burghley, who was his intimate friend.

The revels of 1594–5 terminated with a performance before the Queen at her palace at Greenwich. It was upon this occasion that Elizabeth acknowledged herself indebted to Gray's Inn, as has been already mentioned. There was a kind of tournament in the evening, at which the Prince of Purpoole greatly distinguished himself. This lucky young man was knighted by the Queen, and received from her a jewel which was set with seventeen diamonds and four rubies.

Such were the relaxations in which the young members of Gray's Inn whiled away their leisure hours in the time of Queen Elizabeth. In those days the Inn was not only a college for lawyers and a *rendezvous* for prominent servants of the State. It was also a nursery of poets, dramatists, and men of letters.

VIII. FRANCIS BACON

FRANCIS BACON was born a few years after Elizabeth's accession. From childhood he attracted the attention of the Queen, who called him her "young Lord Keeper." He was in his thirteenth year when he entered Trinity College, Cambridge, and in his sixteenth year when he was admitted to Gray's Inn, on the same day as his four elder brothers. Being the son of Sir Nicholas Bacon, and the nephew of Lord Burghley, he started with a great advantage, and was the recipient of special privileges. Three years after his admission, his father died, and he took up his residence in the Inn.

Francis Bacon's mother was anxious about his health. It appears that he suffered from indigestion, which, in her opinion, was caused by his late hours of going to bed and rising. She attributed these irregular habits to his studies, or, to use her words, to his "musing" about "*nescio quid*." The good lady, being a rather narrow-minded Puritan, is found exhorting her sons that "they will not mum nor masque nor sinfully revel at Gray's Inn." Her exhortations were unheeded; but his uncle Burghley obtained special permission, "in respect of his health," to choose his diet and have his meals in his own chambers.

Meanwhile, his promotion in the Inn was hurried forward. There is an extant note in

Burghley's handwriting to the effect that Francis Bacon was advanced over the head of forty of his fellows. He became a Bencher in 1586 at the age of twenty-five. He had already been elected to Parliament, where he remained almost continuously, sitting for different constituencies from time to time, until his appointment as Lord Keeper some thirty-four years afterwards.

From the time of his election as Bencher we find him taking a very active part in the affairs of the Society, accepting responsibility at one time for its chapel, at another time for its financial administration, at another for the library, at another for the gardens, and frequently organizing masques, for which he sometimes devised scenes and wrote words. For a great part of his life the Inn was his home, and its service was one of the principal occupations of his leisure hours. The two departments of the social life of the Inn in which he took the deepest interest were the gardens and the dramatic entertainments.

Francis Bacon's work in laying out and in planting the gardens was a labour of love. For him horticulture was a fascinating pursuit. In his essay, "Of Gardens," he enlarges upon the perfume and the beauty of flowers and plants, and upon their respective times and seasons, and he gives expression to his own sentiments on the subject in the following passage: "God

THE GARDEN GATES GRAYS INN

Almighty first planted a garden ; and, indeed, it is the purest of human pleasures. It is the greatest refreshment to the spirit of man, without which buildings and palaces are but gross handiwork."

It appears from the extant records of the Society that between 1597 and 1600 Francis Bacon was busily engaged in laying-out and planting the gardens, in railing and fencing them, and in "the garnishing of the walkes." For these purposes sums amounting to about £140 were from time to time expended by him, and it is probably due to his designs that we owe the general contour of the gardens as they exist to-day. We know that in his time there were more than eighty elm trees, besides walnut and ash. There are still to be seen in the garden, preserved and under-propped, the remains of an old catalpa tree, which, according to tradition, was planted by Bacon. It has been conjectured that it was brought from the New World by Sir Walter Raleigh, who, as Spedding relates, paced the Gray's Inn walks with Bacon before starting on the last of his adventurous voyages.

In the gardens Bacon erected a summer-house in memory of a friend and fellow-Bencher, Jeremy Bettenham, whose name is frequently found in the books of the Society in connection with his own. There it remained for about a hundred and fifty years, with Bacon's memorial

inscription upon it, until it was removed with a clump of trees for the purpose of opening the prospect.

Bacon's activity in the organization of masques and plays was as keen as in the planting of the gardens ; but it was less spontaneous and less disinterested. Here, again, he has revealed his mind in his essay, " Of Masques and Triumphs," where he tells us that " these things are but toys, to come among such serious observations. But yet, since princes will have such things, it is better that they should be graced with elegancy than daubed with cost." Masques for him were princely toys ; and in order to grace them with elegance, he frequently turned aside from more serious occupations. It was to gratify the Queen that he collaborated with Christopher Yelverton in devising " dumb show " for the " Misfortunes of Arthur " in 1587–8, and wrote speeches for the councillors of the mimic Prince of Purpoole in 1594. Again, it was to gratify James I that he spared no time in " the setting forth, the ordering, and the furnishing," of the masque which was given by the Inn to celebrate the marriage of the King's daughter to the Count Palatine, and, again, soon afterwards, spent £2,000 in organizing another " Maske of Flowers " on the occasion of the marriage of the powerful Earl of Somerset.

The first part of Bacon's active career was spent

under Elizabeth, the second under James I. In the former period he was for ever striving to climb into the royal favour, but without any real success. The advice which he tendered to the Queen was to pursue a *juste milieu*, and for such a policy the time was out of joint. His friendship with Essex hitched his wagon to an erratic star. He told Essex frankly that, much as he loved him, he loved much better "the Queen's service, her quiet and contentment, her honour, her favour, the good of my country and the like" ; and his last notable service to the Queen was to speak for the prosecution at the trial which brought his friend to the scaffold. This was for him a time of disappointment and vexation of spirit, when he found consolation in writing his essays, in the pursuit of his profession, and in the social and the contemplative sides of his life at Gray's Inn.

James I was four years on the throne before Bacon succeeded in his ambition of becoming a Law Officer of the Crown. He had been held back by unwillingness to serve under Sir Edward Coke ; and he had got no support from his cousin, William Cecil the younger, who had become Earl of Salisbury, and had gained the ear of the King. It was in helping to carry out the union between England and Scotland that Bacon's gift of reconciliation commended him to James I. In 1607 he became Solicitor-General ;

in 1613, Attorney-General; in 1617, Lord Keeper of the Great Seal; and in 1618 he received the rank and title of Lord Chancellor. In the meantime, he kept up his active relations with Gray's Inn. From 1608 he held the office of Treasurer for eight years, a continuity of office never approached except in our own time in the person of Lord Birkenhead. He continued his care of the gardens, planting them with birch, beech and elm, and introducing beds of roses and of other flowers.

During his tenure of the office of Solicitor-General, he published his "Arguments of Law," which still are occasionally referred to by lawyers with interest and advantage. He dedicated the work to "My Loving Friends and Fellows, the Readers, Ancients, Utter Barristers and Students of Gray's Inn." He proceeded in his Preface to pay the following tribute of homage and affection to the Society:

"This work I knew not to whom to dedicate rather than to the Society of Gray's Inn, the place whence my father was called to the highest place of Justice, and where myself have lived and had my proceeding so far as, by His Majesty's rare, if not singular, grace, to be of both of his counsels, and therefore few men so bound to their societies, by obligations both ancestral and personal, as I am to yours; which I would gladly acknowledge, not only in having your

name joined with mine own in a book, but in any other good office and effect which the active part of my life and place may enable me unto, toward the Society, or any of you in particular, and so I bid you heartily farewell.

"Your assured loving friend and fellow,

"FRANCIS BACON."

In this chapter we are not concerned with the career of Francis Bacon, save in so far as is necessary for the purpose of appreciating his relations with his Inn of Court. His quarrels with Coke, his share in the prosecutions of Raleigh and Suffolk, and in the practice of issuing patents of monopolies, gradually undermined his influence and popularity, and rendered him an easy and conspicuous target for popular and parliamentary attack. The storm collected and broke just after he had reached the height of power and had been created Viscount St. Albans. Then came the grave charges of corruption, his trial, his confession, and his disgrace. In May, 1621, he was dismissed and declared for ever incapable of holding any public office, place or employment.

Gray's Inn has always been loyal to its distinguished sons when they have fallen into adversity. Francis Bacon had a set of chambers in the Inn on a lease, the term of which was running out. In November, 1622, the Benchers granted him a double set of chambers for a

fresh term of forty years. Soon afterwards we read in a letter from a London gossip to a friend abroad : " The Lord St. Albans is in his old remitter, and come to lie in his lodgings in Gray's Inn."

It had been from Gray's Inn that a procession of nobles, knights and gentlemen had escorted him to Westminster Hall after his appointment as Lord Keeper ; and it was to Gray's Inn that he returned, after his fall and after his release from confinement, in order to find consolation in literature and in the society of his friends. It was there that he wrote most of his great philosophical works. It was on the road to Gray's Inn, near Highgate, in March, 1626, that, in carrying out a scientific experiment, he caught the fatal illness which ended in releasing his broken spirit.

It is a proud reflection for the members of Gray's Inn that so great a man as Francis Bacon made it his home, his chosen place of study and relaxation, and the peaceful background of the whole of his wonderful life.

IX. THE TIME OF JAMES I

IN the reign of King James I the Courts of Justice were infected by the general spirit of corruption which made itself observable in almost every department of the State. Judgeships and Law Officerships were sold, and the price for them was paid to the King or to his favourite. Bribery, disguised under the name of presents or of New Year gifts, was common, as was evidenced by the case of Lord Chancellor Bacon. The King strove to intermeddle personally in the administration of justice, giving directions and reprimands to the Judges, taking their opinions privately, and requiring them not to pursue the ordinary course of their duties without first consulting him. In these proceedings Sir Edward Coke offered a noble resistance to the unconstitutional action of the Crown, while Francis Bacon showed too ready a disposition to help the King in overawing the Judges and in making them subordinate to the Royal authority.

There were, in this reign, several members of Gray's Inn who attained to prominent positions in the State, in the Church, or on the Bench. Among them were Richard Bancroft, Archbishop of Canterbury; Robert Cecil, Earl of Salisbury, who played an important part in bringing about James's accession to the throne; John Williams, Bishop of Lincoln and Archbishop of York, who succeeded Francis Bacon

as Lord Keeper; Sir William Cavendish, founder of the noble house of Devonshire; the Earl of Dunbar, and other Scottish statesmen who came in James's retinue; Sir James Altham, Baron of the Exchequer; and Sir Henry Yelverton, who succeeded Francis Bacon in the offices of Solicitor-General and of Attorney-General.

A cordial friendship sprang up at Gray's Inn between Sir James Altham and Sir Francis Bacon. Upon the occasion of Altham's retirement from the Bench, Bacon took the opportunity of pronouncing a glowing eulogy upon his old friend, whom he described as "one of the gravest and most reverend Judges of this Kingdom." Altham, like some of his colleagues, was very impatient at Sir Edward Coke's supercilious attitude towards the *puisne* judges, and is said to have joined with one of his brethren in letting "Lord Coke know their minds, that he was not such a Master of the Laws as he did take on him, to deliver what he list for law, and to despise all other." Nevertheless, Altham joined with Coke in resolving that the King could not by proclamation create new offences which were not punishable according to law. Again, he was one of those who, in 1616, united in refusing to recognize the power of the Crown to stay proceedings in the Courts of Justice in matters relating to the prerogative. The King

thereupon convened a council, at which the Judges' attendance was required. Having been severely admonished by the King, all except Coke fell on their knees and acknowledged their error. Coke alone refused to submit, with the result that he was dismissed from the office of Chief Justice and went into opposition. Although Altham failed to emulate Coke's resolute tenacity of purpose, he enjoyed a reputation of which his old Inn had no reason to be ashamed.

Sir Henry Yelverton was the son of Sir Christopher Yelverton, a Judge who has been mentioned in the chapter about the previous reign. He belonged to a family which had been associated with Gray's Inn from very early times. He was a frank, plain-spoken man, whose freedom of language in parliament seriously offended the King. Having been reconciled with the King, and having been helped to the Solicitor-Generalship by the Earl of Somerset, he took the bold course of refusing to take part in the prosecution of his protector when the latter was brought to trial for the murder of Sir Thomas Overbury. When the Attorney-Generalship became vacant by Bacon's advancement to the Lord Keepership, Yelverton appears to have refused to negotiate with any of the Court brokers, or to make any terms for payment of money for the office. But according to his own account, "when the business was

done, he went privately to the King and told him he would out of his duty give him £4,000 ready money. The King took him in his arms, thanked him, and commended him much for it, and told him he had need of it, for it must serve even to buy him dishes." Subsequently he incurred the resentment of the favourite Buckingham for his opposition to the issue of illegal patents, with the result that he was dismissed from office, heavily fined, and imprisoned in the Tower. He was afterwards reconciled with Buckingham, and was raised to the Bench by Charles I. His career illustrates the difficulties in which an honest law officer was likely to be involved in the time of James I.

Bacon's successor as Lord Keeper was John Williams, a member of Gray's Inn, afterwards Archbishop of York. No ecclesiastic had been Lord Keeper since the days of Queen Mary. In his judicial work he used to obtain the assistance of two Judges for the trial of causes; and his conduct on the Bench won him the good opinion of the legal profession. In politics he tried to steer on an even keel, with the result that he found himself twice in the Tower—on the first occasion at the instance of Archbishop Laud, and on the second occasion at the instance of the Parliament. His advice to Charles I to compromise with the Parliament lost him the Great Seal very soon after Charles's accession.

Among the principal ornaments of the Hall at Gray's Inn are the windows, blazoned with the coats of arms of distinguished members of the Society. Their brilliant colours, and their accuracy from an heraldic point of view, are perhaps to be accounted for by the circumstance that for a century and a half, from the time of Henry VIII to that of Charles II, there were a succession of antiquaries and Kings-at-Arms who, having been admitted to Gray's Inn, took pleasure in beautifying the House to which they belonged. Allusion has been made in a previous chapter, to Sir Thomas Wriothesley, a King-at-Arms in the time of King Henry III. After him there came to Gray's Inn Sir William Dethicke, William Camden, and Sir William Segar.

Sir William Dethicke officiated as Garter King-at-Arms on three historic occasions. It was his official duty to assist in conveying the remains of Mary Queen of Scots from Fotheringay Castle to Peterborough Cathedral, where he saw them "royally and sumptiously interred." A dozen years afterwards he had to accompany Lord Burghley into the City for the purpose of proclaiming the Earl of Essex a traitor. After James I's accession he was again sent to Peterborough by the King to place a rich pall of velvet on the coffin of his mother, the Queen of Scots. Dethicke was a tyrannical,

ill-tempered man, who roused bitter animosities, and ultimately had to make way for Segar. Sir William Segar was the author of many learned works, dealing with genealogical and armorial subjects. He had one disagreeable experience. A subordinate herald contrived by some trick, to procure him to confirm armorial bearings to the common hangman. Segar was imprisoned and might have been utterly ruined if it had not been made clear that he had been the victim of an artifice. William Camden was more than a herald ; he was an antiquary and an historian of great distinction. Furthermore, he was a charming, popular, modest gentleman, who must have added much to the social life of his Inn. It was characteristic of him that he refused a Knighthood. He explained the refusal to Archbishop Usher, also a member of Gray's Inn, to whom he wrote : "I never made suit to any man."

Another ecclesiastic became a member of Gray's Inn, and formed a personal friendship with Camden. This was Richard Bancroft, whom James I made Archbishop of Canterbury after Whitgift's death. Bancroft co-operated with James in the policy of making the ecclesiastical courts independent of the Common Law and responsible only to the authority of the Crown. He met with stout opposition from Sir Edward Coke and the Common Law Judges. In the next reign Arch-

bishop Laud took Bancroft as a model. The atmosphere of Gray's Inn, in the days of the Stuarts, was generally favourable to the Royal authority. It was doubtless due to Francis Bacon's influence that the trend of opinion in the Society took that direction.

X. THE REIGN OF CHARLES I, THE CIVIL WAR, AND THE COMMONWEALTH

IN Charles I's reign, Gray's Inn was enthusiastically royalist. In 1634 the Inn took a prominent part in the gorgeous masque entitled the Triumph of Peace, which was organized by the four Inns of Court as a public expression of their loyalty. In a controversial book called *Histriomastix*, William Prynne, the Puritan pamphleteer, had denounced stage plays as incentives to immorality and to irreligion, and was understood to have reflected indirectly upon the King for his patronage of, and upon the Queen of having participated in, dramatic performances. A magnificent procession proceeded to Whitehall Palace from Holborn, being led by Gray's Inn to which the first place was given by lot. A committee of eight, two from each Inn, arranged and conducted the performance. Four of these gentlemen afterwards held the Great Seal. Gray's Inn's representative was Sir John Finch, who became successively Attorney-General, Chief Justice of the Common Pleas, and Lord Keeper of the Great Seal. The masque cost £21,000, and was the occasion of a brilliant reception at Court. "How little," wrote a legal historian, "did any of the spectators of this gaudy pageant dream of the melancholy contrast that was to be

exhibited a few years after in the same spot, and how many lived to witness it."

The career of Sir John Finch was illustrative of the chequered destiny which was in store for some of those gay masquers. He had already signalized himself, when, as Speaker of the House of Commons, he had been held down in the chair so as to prevent his adjourning the House in obedience to a command from the King. Within a year of the masquerade of Peace he was appointed Chief Justice of the Common Pleas, and afterwards became Lord Keeper of the Great Seal. He was an uncompromising supporter of the Royal Prerogative, and was mainly responsible for the Ship-money Judgment. After he became Lord Keeper of the Great Seal he was impeached by the Parliament and had to seek refuge in Holland.

Other Cavalier Judges of Gray's Inn were Sir Humphrey Davenport, who was Lord Chief Baron of the Exchequer, Sir Dudley Digges, Master of the Rolls, Sir Francis Crawley, Sir Richard Hutton, and Sir John Bankes.

Let us see how the Common Law Judges bore themselves, when Hampden's famous cause came before the Court of Exchequer Chamber in 1637 and 1638. Sir John Finch, then the Chief Justice, had already obtained from the Judges an extra-judicial opinion in favour of the

legality of ship-money. He now gave judgment to the same effect, and exerted himself to procure the concurrence of his colleagues. Chief Baron Davenport gave judgment for Hampden on a technical point, but gave an elaborate opinion in favour of the legality of the tax. Sir Francis Crawley concurred with Finch, and gave judgment in the King's favour and asserted the incompetence of Parliament to limit the King's prerogative in the matter. Sir Richard Hutton had the courage to give judgment for Hampden, exposing himself to the attack of a host of defamers against one of whom he recovered a verdict for £10,000 damages.

Sir John Bankes, who became Chief Justice of the Common Pleas, accompanied King Charles to Oxford. He was impeached, and his chambers in Gray's Inn were sequestrated by the Parliament. He gave good advice to the King which was not followed. He bore a high reputation for his steady attachment to the Crown as well as for his learning and his moderation. The defence of his home, Corfe Castle, by Lady Bankes, was one of the most brilliant feats of arms in the whole course of the Civil War.

After the Civil War had broken out, the Parliament commenced a vigorous campaign of persecution against those to whom they gave the name of "malignant lawyers." Sir John Bankes was not the only one of the Judges from

Gray's Inn who suffered. Impeachments were also launched against Sir Humphrey Davenport and against Sir Francis Crawley. Sir Richard Hutton died before the outbreak of the war, as did Sir Edward Henden, another Gray's Inn man, who sat for a short time as Baron of the Exchequer.

Of all the Judges from Gray's Inn the most militant royalist was David Jenkins, a Sessions Judge in South Wales, and a man of sturdy courage and independence. Before the outbreak of the Civil War he had got into trouble for his opposition to the King's methods of raising money and to Laud's narrow ecclesiastical policy. But when the Civil War broke out, he became an uncompromising supporter of the Royal cause. As a lawyer and a judge he was a terror to all rebels who were found within his jurisdiction. He then threw aside his wig and took the field, very soon finding himself a prisoner in the Tower, with a charge of treason hanging over his head. From first to last he defied the Commonwealth Government. An historian of the time described him as "a heart of oak and a pillar of the law." Another Judge who made sacrifices for the King was Sir Thomas Bedingfield, of Gray's Inn. He refused to take the new oath of office which was imposed after the execution of the King, and went into retirement until the Restoration.

In 1644 the Benchers of the Inns of Court were forbidden to allow any lawyer who had borne arms for the King to be in any of their Societies. Some of the lawyers sold their chambers and gave up the practice of their profession until the Restoration. Some weaker brethren attorned to the new *régime*. For the time being Gray's Inn was left under the influence and control of the minority of its members who belonged to the Parliamentary Party.

Among the Gray's Inn men who came to the front during the Commonwealth was Sir Thomas Widdrington, Speaker of the House of Commons, who became Chief Baron and a Commissioner of the Great Seal. He refused to act on the commission for the trial of the King, and acquired a reputation for moderation which gained him a pardon after the Restoration. His character has been handed down to us as having had about it "more of the willow than the oak." Another was William Steele, who became Attorney-General, Chief Baron and Lord Chancellor of Ireland. He escaped the task of prosecuting the King by an illness which some have thought to have been pretended. Another member of the Inn, Thomas Newdigate, became Chief Justice, and is said to have acted in that capacity with commendable courage and independence. Others who reached the Bench during the *interregnum* were Richard Keeble,

Peter Phesant, and Barons Thorpe and Parker.

Peter Phesant belonged to a family which had been represented at Gray's Inn for several generations. One of his ancestors is supposed to have been alluded to by Shakespeare in *The Winter's Tale* (Act IV, scene iv, line 768) in the dialogue between Autolycus, the Clown, and the Shepherd :

Shepherd : My business, sir, is to the King.
Autolycus : What advocate hast thou to him ?
Shepherd : I know not, an't like you.
Clown : Advocate's the court-word for a pheasant ; say you have none.
Shepherd : None, sir ; I have no pheasant, cock nor hen.

An interesting entry occurs in the records of the Society under the date 22 Feb., 1653. It is the entry of the admission to the Society of Henry Cromwell, who is described as "Lord Henry Cromwell, second son of His Highness Oliver Cromwell, Protector of England, Scotland and Ireland."

The most remarkable member of Gray's Inn of the Commonwealth period was John Bradshaw, the arch-regicide, who, before the trial of the King, had been counsel in several political *causes célèbres*, had assisted in the

prosecution of his "fellow" at Gray's Inn, Judge David Jenkins, and had received the offices of a Judge of the Sheriff's Court of London and of Chief Justice of Chester. Having been placed on the commission for the trial of the King, he refrained from attending its first two meetings, with the result that he was elected President *in absentiâ*. During the trial he was treated with all the ceremonials usually associated with a high judicial office. He wore a scarlet robe, was attended by an escort of twenty gentlemen, and was preceded by bearers of the sword and mace. When he had discharged his allotted task in a manner which, according to tradition, was insolent and overbearing, he received ample rewards. Besides remaining Chief Justice of Chester, he became President of the High Court of Justice, Chancellor of the Duchy of Lancaster, President of the Council of State, and was given the Dean of Westminster's house as an official residence. He was one of the few public men of that time who, on more than one occasion, successfully defied the Protector, after whose death he became a Commissioner of the Great Seal. He died before the Restoration, and for a few months his remains rested in a splendid tomb in Westminster Abbey. He had some notable admirers, one of whom was the poet John Milton. The leading lawyer of the Commonwealth, Bulstrode Whitelocke, pithily summed

him up as "a stout man and learned in his profession, no friend to monarchs."

The Society of Gray's Inn, during the *interregnum*, purchased from the Commissioners of the Commonwealth the rent for which they were liable to the Crown. But the sale was repudiated after the Restoration, and the Inn lost the money which they had expended and remained liable for the annual rent.

So far as the administration of justice was concerned, very little harm was done during this period. We may accept Lord Campbell's opinion that the Common Law Bench was exceedingly well filled and that the law was ably administered during the Commonwealth.

XI. THE TIME OF CHARLES II

THE restoration of Charles II to the throne had the effect of enabling many royalist members of Gray's Inn to return to their sequestrated chambers and to the prospect of promotion. One of these was Clement Spelman, a prominent barrister of the Inn, who had suffered during the *interregnum*. That is not surprising, since in former times he had masqueraded in royal revels, and had written pamphlets against the Parliament. He was now elected a Bencher, and was appointed a Baron of the Exchequer. Another was Thomas Leeke, who had been a Baron of that Court before the Civil War, and had laid aside his robe to follow the King. He was now reinstated in his former position. David Jenkins, the indomitable Welsh Judge, who has been already mentioned, had suffered a long imprisonment for the King's cause. He was disappointed in his hopes of being made a Judge at Westminster, and he received no particular recognition except that he was elected a Bencher of his old Inn. The ex-Judge, Sir Thomas Bedingfield, returned to his profession, and was made a Serjeant. He died, however, before an opportunity occurred of replacing him upon the Bench.

A severe Nemesis awaited some of the Commonwealth lawyers and judges who had been

members of Gray's Inn. John Bradshaw, the chief of the regicides, had died in the previous October and had been buried with much pomp in Westminster Abbey. His remains, together with those of Cromwell and of Ireton, were disinterred and were dragged to Tyburn, where they were hanged in a triple gibbet. His head was exposed on a pole in Westminster Hall. Peter Phesant, Judge of the Common Pleas, had also died, but he was too obscure to provoke a reprisal ; and his body was allowed to remain undisturbed in a country churchyard. William Steele, who had been Chief Baron in England and Lord Chancellor in Ireland, took refuge in Holland. A charge has been made against him of having secured his personal safety by giving away the secrets of his fellow at Gray's Inn, "the Lord" Henry Cromwell ; but the accusation has been dismissed by some of the best historians as being unsupported by evidence, or even probability. Richard Keble, ex-Commissioner of the Great Seal, was excepted from the Act of Indemnity, but avoided a prosecution by disappearing from the public view.

Three legal notabilities of the Commonwealth were so far recognized by the King as to be confirmed in their positions as Serjeants. These were Sir John Widdrington who had been Commissioner of the Great Seal and Chief Baron of the Exchequer, Sir Richard Newdigate

who had been Chief Justice, and John Archer who had been a Judge of the Common Pleas. Widdrington had gained a character for moderation; Newdigate had exhibited no political *animus* in the discharge of his duties; and Archer had on one occasion made a stir by refusing to take an oath of fidelity to the Commonwealth. Some years afterwards Archer was restored to his place on the Bench. One of Cromwell's law officers, William Ellis, became a Bencher of Gray's Inn and a Judge. We shall find that these appointments did not turn out satisfactorily. But it would appear that at first the Restoration Government acted with discrimination towards the legal functionaries of the Commonwealth.

Gray's Inn signalized their joy at the Restoration by admitting to the Inn James Butler, Duke of Ormonde, Charles's faithful Irish comrade and Commander, who came back in the King's train. Both his predecessors, the 10th and 11th Earls of Ormonde, had been members of the Society. Ormonde escutcheons appear in two of the windows in the Hall, and very cordial relations have always been maintained between his successors and Gray's Inn. Soon afterwards the Inn admitted General George Moncke, Duke of Albemarle, whose courage and dexterity had contributed so effectively to the Restoration.

In Pepys's Diary we catch some glimpses of Gray's Inn. Pepys tells us how he visited the gardens upon a Sunday soon after the Restoration. "June 30, 1661, Lord's Day.—Here I to Gray's Inn Walk, all alone, and with great pleasure seeing the fine ladies walk there." In his time Gray's Inn Gardens was the Sunday *rendezvous* of smart society. He also places it on record that in 1667 a rebellion of Barristers and Students broke out at Gray's Inn, that they were outlawed by the Benchers, and that ultimately they were all "at peace again." The Restoration led to a revival of festivities and ceremonies at the Inn, in which assistance was given by Charles II's Garter King-at-Arms, Sir Edward Walker, and by Sir William Dugdale, both of whom were members of the Inn. Dugdale, in his *Origines Juridicales*, reproduced the escutcheons on the windows. They can be seen in his pages and can be compared with the originals.

The reign of Charles II, so far as the Judges and Lawyers were concerned, may be divided into two periods. Down to the dismissal of Lord Clarendon in 1667 the Judges were, as a rule, honest and conscientious men, and the administration of justice was not a subject of reproach. Then came a period when the King and his advisers found it to be their interest to debase the judicial system and to convert the Judges into servile instruments of despotic power.

The old form of a Judge's patent secured him in his office "*quandiu se bene gesserit.*" For this old form there was now substituted the words "*durante bene placito*"; and Judges were summarily dismissed, whenever the Government considered it expedient to remove an obstacle, or to find a place for an instrument. The experiences of two of the Commonwealth lawyers who belonged to Gray's Inn, Judge Archer and William Ellis, will serve as illustrations. Archer was appointed a Judge under Clarendon's *régime* in 1663, and was removed in 1671. Sir William Ellis, who had been Solicitor-General to the Protector, was appointed a Judge in Archer's place. The experiment was not regarded as successful, and Ellis was removed in 1676 to make way for Scroggs.

Sir William Scroggs was one of the able but unscrupulous lawyers who made themselves the servile tools of the Stuart sovereigns in their last and worst days. Others of the same class were Sir Robert Wright of the Inner Temple, and Sir George Jeffreys of the Middle Temple. Handsome, daring and eloquent, Scroggs was pushed to the front less by merit than by the influence of the Lord Treasurer, the Earl of Danby, who was engaged in managing the House of Commons by corruption and in negotiating a pension for the King to be paid by Louis XIV of France. In order to raise

Scroggs to the Bench, and then to the Chief Justiceship, two comparatively honest Judges, Sir William Ellis and Sir Richard Rainsford, were successively removed.

The arrogance and brutality, with which Scroggs conducted the trials of the victims of Titus Oates's Popish Plot, were not forgiven, when, for what were believed to have been interested motives, he turned round and attacked Titus Oates and his witnesses with equal violence. As a result he became universally obnoxious, and, although he was fortunate enough to evade impeachment by the occurrence of two successive dissolutions of Parliament, he was dismissed from his office and was forced to retire into private life.

It is believed that Chief Justice Scroggs, having declined to act as Reader of the Society in his turn, was never elected a Bencher of Gray's Inn. But, when he was disgraced, the Benchers, as a *solatium*, elected his son, also named Sir William Scroggs, to be a Bencher of the Inn. The younger Scroggs preferred to lead a kind of insurrection in the Society, and his election as Bencher did not take effect until these disorders had subsided.

A more worthy member of the Inn was Sir Thomas Raymond, father of the Chief Justice of a later generation. Being a Tory in politics, he has not escaped the censure of Lord Campbell. But a more impartial biographer, Mr. Edward

Foss, has denied that there is any evidence to support Lord Campbell's imputations. Mr. Foss credits Sir Thomas Raymond with having displayed learning, independence, and honesty in the administration of justice.

XII. THE TIME OF JAMES II

THE reign of King James II was remarkable for the damaging attacks which were made by the Crown upon the independence of the Judicial Bench, and for the vigorous attempts which were made to intimidate the Judges and to undermine their integrity. During his short reign the King superseded twelve Judges, seven of whom were on the Bench when he came to the throne, while five had been promoted to the Bench by himself. The Inn was split into factions, and the Society included partisans both of the King and of the Opposition. The struggle between these opposing forces culminated in 1688, when the seven Bishops were placed upon their trial on a charge of having published a seditious libel.

At the trial of the seven Bishops Gray's Inn was strongly represented. Two of the four Judges who tried the case, Sir John Powell and Sir Richard Allibone, had been trained at Gray's Inn. Sir William Williams, the Solicitor-General, and Serjeant Baldock were among the counsel for the prosecution, while Sir Creswell Levinz appeared for the defence. Williams, Baldock, and Levinz were members of the Inn.

The Judges were equally divided in opinion : the Chief Justice (Sir Robert Wright) and Sir Richard Allibone, were favourable to the Crown,

and Sir Richard Holloway and Sir John Powell were of opinion that the Bishops' declaration did not constitute a libel. Sir John Powell's judgment was singularly clear and fearless. He denied the existence of any dispensing power in the King and of anything seditious or libellous in the Bishop's declaration. He and Holloway forthwith received notice of dismissal. Lord Chancellor Jeffreys told Powell that he was "very sorry for it," and that he would not send the patent of revocation till the last day of the term.

Two Gray's Inn men, Serjeant Baldock and Sir Thomas Powell, a namesake of Sir John Powell, but a man of very different stamp, were now raised to the Bench. On the other side, Sir Creswell Levinz, who defended the Bishops, had already been removed from the Court of Common Pleas for expressing opinions unpleasant to the Crown, as had another Gray's Inn Judge, a former Speaker of the House of Commons, Sir William Gregory.

There were plenty of Gray's Inn men who were on the side of the Royal Prerogative and of the Dispensing Power. Six of them were appointed to the Bench by King James II, and were removed after the Revolution. These were Sir Robert Baldock, Sir Edward Lutwych, Sir Thomas Powell, Sir John Rotheram, and Sir Thomas Stringer. Sir Richard Allibone escaped

dismissal and perhaps attainder by dying just before the landing of King William.

The State Trials contain an interesting allusion to Gray's Inn. We read in the report of the trial of the seven Bishops that, when the jury announced the verdict of acquittal, there were "several great shouts in Court and throughout the Hall," and that the Solicitor-General, "taking notice of some persons in Court that shouted, moved very earnestly that they might be committed, whereupon a gentleman of Gray's Inn was laid hold of but was soon after discharged."

Sir William Williams, King James II's Solicitor-General, was an active Bencher of Gray's Inn, serving as Treasurer of the Society in 1681. He began his political career as a pronounced Whig, and became, both politically and professionally, the bitter personal enemy of Jeffreys, who, as Chief Justice, never lost an opportunity of interrupting Williams's arguments and severely castigating him with sneers from the Bench. The two men came into constant collision and dealt each other heavy blows. As Speaker of the House of Commons, Williams, in 1680, was charged with the duty of reprimanding Jeffreys on his knees at the Bar of the House. Jeffreys waited for his revenge. In 1686 he instigated the Attorney-General to file an information against Williams for having licensed,

in his official capacity as Speaker, the publication of a libel ; and, sitting in his Court as Chief Justice of the King's Bench, he fined Williams £10,000, £8,000 of which was paid, the balance being remitted by the King. Williams afterwards made submission to the King, and was appointed Solicitor-General. It was in that capacity that he took the lead at the trial of the seven Bishops. It was rumoured that he was to have replaced Jeffreys in the Chancellorship if he had obtained a conviction ; and Jeffreys, when he heard of the news of the acquittal, was observed to hide a smile in his nosegay.

In view of the notorious enmity which existed between Williams and Jeffreys, it is interesting to note from the records of Gray's Inn that in May 1685 Jeffreys, as Chief Justice, acted as Arbitrator between the Society of Gray's Inn and a troublesome neighbour in reference to some building dispute. There is an entry in the accounts of the Inn of the payment of a sum of £1 14s. 0d. "for a treat for the Ld. Chief Justice at Mr. Williams' Chamber." It is impossible to refrain from curiosity as to how the two enemies bore themselves on that festive occasion. After the Revolution, Williams was reconciled to King William III, and became the Queen's Solicitor-General.

Sir William Williams was the tenth member of Gray's Inn to occupy the Speaker's chair in

the House of Commons. His nine predecessors were Sir Edmund Dudley, in the reign of Henry VII ; Sir Humphrey Wingfield, and Sir Thomas Moyle in the reign of Henry VIII ; Sir Thomas Snagge and Sir Christopher Yelverton in the reign of Elizabeth ; Sir Thomas Crewe and Sir John Finch in the reigns of James I and Charles I ; Sir Thomas Widdrington under the Commonwealth ; and Sir William Gregory in the reign of Charles II.

Enough has been said to indicate that, throughout this troubled era of our national history, Gray's Inn was represented by prominent men in every party and in every school of thought. Perhaps none of them reflected more credit upon his Inn than Sir John Powell, who appears to have been as learned and upright a Judge as any in our legal history. After the Revolution he rejected an offer of the Great Seal, preferring to resume the puisne Judgeship from which he had been removed. His portrait hangs in the old Hall ; and the escutcheons of nearly all the persons mentioned in this chapter and in the preceding one are painted on its windows.

XIII. THE REVOLUTION AND AFTER

AFTER the flight of King James II there was an entire suspension of business in the Courts for about three months. The Chancellor and the Chief Justice were in prison suffering from the fatal illnesses which rescued them from punishment. The other Judges retired into obscurity, or returned to their practice at the Bar. One of them, Sir Edward Herbert, Chief Justice of the Common Pleas, followed the King into exile.

King William, being faced with the problem of appointing a new Judiciary, adopted the plan of requiring every Privy Councillor to furnish a list of twelve lawyers, and, with the help of this list, he proceeded to the task of remanning the Judicial Bench.

The Chancellorship presented a problem which was not solved until three years afterwards by the appointment of Sir John Somers as Lord Keeper. In the meanwhile, the Great Seal was entrusted to several eminent lawyers as Commissioners. Two of these Commissioners of the Great Seal were from Gray's Inn, Sir William Rawlinson and Sir James Hutchins. Sir William Rawlinson was a Chancery lawyer of good repute, who would have been made Chief Baron if he had had any experience in the common law. Sir George Hutchins was King's Serjeant.

By an extensive practice he amassed a large fortune. He is said to have been of humble origin, a circumstance which was alluded to on one occasion by an eccentric clerical litigant who claimed that he and Sir George were "akin to each other, not by consanguinity but by affinity; for he was a clerk, and Sir George's father was a Parish clerk."

On the Common Law side of the Courts three Judges were appointed, one for each Court, to carry on until a complete list of Judges had been settled. Two of these came from Gray's Inn. One was Sir John Powell, who, as has already been mentioned, had been dismissed on account of the independence which he exhibited at the trial of the seven Bishops. The other was Sir Edward Nevill, who had been removed from the Court of Exchequer for refusing to support the dispensing power. In a subsequent parliamentary inquiry, he gave a curious account of the interviews and messages by which pressure was put upon him by Jeffreys and by the King to change his opinion.

After the three Common Law Courts had been thus kept going for two months, the Bench was filled up. Four of the new Judges had been trained at Gray's Inn, namely, Sir John Holt, who became Chief Justice, Sir William Gregory, Sir Thomas Rokeby, and Sir John Turton. Gregory had, like Nevill, been removed from the

Court of Exchequer by James II for denying the dispensing power. Rokeby had a great practice from Yorkshire, where his home was, and from the neighbouring counties, and had been the chief adviser of the Northern Puritans. He had been on intimate terms with Cromwell, of whom he has left some interesting reminiscences. For example, he tells us how Cromwell, by his haughty demeanour to the French Ambassador, forced Louis XIV to address his letters for the Protector to "our dear brother Oliver." Rokeby remained in the background during the reigns of Charles II and James II, but was included among William III's Judges, and justified his appointment by the upright manner in which he discharged the duties of his office. Sir John Turton was a staunch supporter of the Williamite interest, and suffered for it when the reaction set in at the beginning of the next reign.

Other Judges of the period who had been trained at Gray's Inn were Sir Salathiel Lovell and Sir William Carr. But by far the most famous lawyer and Judge of that age was Sir John Holt, whom William III appointed Chief Justice of the King's Bench. In the course of his twenty-one years' Presidency of that Court he retrieved its tarnished reputation, and regained for it that public confidence which it has retained ever since.

In the two preceding reigns Holt had been in the front rank of the profession, appearing sometimes for the Crown and sometimes for prisoners, in most of the State trials of that time. How he bore himself may be inferred from the impression which he created upon his contemporaries. It was observed that Scroggs and Jeffreys always treated him with surprising deference, and never attempted the browbeating methods which they adopted so freely in dealing with most of the advocates who appeared before them. When King William III required all the Privy Councillors to furnish him with lists of twelve lawyers worthy of being raised to the Bench, Holt's name is said to have stood first in every list. Lord Campbell said of him that "generally speaking, he is to be considered a consummate jurist; above all prejudice; misled by no predilection; seeing what the law ought to be, as well as what it was supposed to be; giving precedent its just weight, and no more; able to adapt established principles to the new exigencies of social life; and making us prefer judge-made law to the crude enactments of the legislature."

Of the celebrated cases that are associated with Chief Justice Holt's memory, three typical examples may be selected. In *Coggs v. Bernard* he expounded with admirable clearness and precision the whole law of *bailment*, that is to

say, the rules which regulate the liability of persons to whom goods are delivered for some purpose either by or on behalf of the owner. In this case he applied to the subject his exceptional knowledge of Roman jurisprudence, and exhibited a very perfect example of British judge-made law.

In the case of the *King against Charles Knollys* Holt engaged in a single combat with the House of Lords which he carried to a successful conclusion. Charles Knollys, being indicted for murder, pleaded that he was the rightful Earl of Banbury, and as such triable only by his peers ; and he made out a *prima facie* case in support of his plea. The House of Lords had, upon a petition which Knollys had presented to them, resolved that he had no right to the Earldom. Chief Justice Holt treated the resolution as a nullity, and held that nothing but a regular investigation before the Committee of Privileges could rebut the *prima facie* case which Knollys had made out. The Chief Justice was summoned first before the Committee of Privileges and afterwards before the House itself, and was required to explain the reason of his judgment. He firmly persisted in refusing to answer such a question, with the result that the House, afraid to incur the odium of committing him to prison, dropped the matter, thus giving him a victory which increased his prestige.

In *Ashby v. White* Holt carried on an even more serious controversy with the House of Commons. In that case he vindicated the right of an elector to maintain an action against a returning officer for refusing his vote. The three puisne Judges of his Court differed from him, but his judgment was upheld in the House of Lords. Perhaps, in subsequent stages of this struggle, Holt went too far in his zeal for popular rights and liberties. But his decision in *Ashby v. White* has ever since been admired, and his intrepidity won for him universal respect.

One of Holt's great achievements was to put an end to trials for witchcraft which he had the courage to accomplish at a time when disbelief in witchcraft was still regarded by many sane people as a form of atheism. He was an enemy of all impostures. A good story is told of Holt's reply to a religious impostor, who told him that he came as a prophet of the Lord God, who had sent him to Holt for a *nolle prosequi* to release a certain prisoner. The Chief Justice replied : " Thou art a false prophet and a lying knave. If the Lord God had sent thee, it would have been to the Attorney-General, for He knows that it belongeth not to the Chief Justice to grant a *nolle prosequi*. But I, as Chief Justice, can grant a warrant to commit thee to bear him company," which he did.

Holt was laid to rest in the chancel of the

church at Redgrave in Suffolk. He had purchased the Manor of Redgrave from the family of the Bacons and he had made it his home. It had belonged to Sir Nicholas Bacon, and it was this Manor House which was the subject of that Lord Keeper's well-known reply to Queen Elizabeth. When the Queen remarked that his house was too small for him, Sir Nicholas replied : " It is Your Majesty that has made me too great for my house."

In the case of *Ashby v. White*, when the opinion of the Judges was given in the House of Lords, Holt's only supporters among the Judges were Barons Bury and Smith, who, like Holt himself, had received their education at Gray's Inn. Sir Thomas Bury was afterwards raised to be Chief Baron, and presided in the Court of Exchequer for six years. Baron Smith was sent to Scotland with the rank of Lord Chief Baron of the Exchequer in Scotland.

A greater man than either Bury or Smith was Sir Robert Raymond. He had been a pupil of Sir John Holt, in whose footsteps he walked with conscientious assiduity. He was not, however, of the same political faith as Holt ; for Raymond began as a strong Church-and-King man with a leaning towards the cause of the Pretender. He was made Solicitor-General by the Tories in the reign of Queen Anne, but was, of course, removed from office on the accession of George I. Six

years passed away, and Raymond became reconciled to the Whigs, and was appointed Attorney-General. The odium which he incurred among his former Jacobite friends led him to accept a puisne judgeship as a way of escape from public life. Sir Robert Walpole, the Prime Minister, seized an early opportunity of having him advanced to the Chief Justiceship and to a peerage. "He continued," writes Lord Campbell, "to preside in the Court of King's Bench, with high distinction, above seven years." He had not the outstanding personality of a Coke, a Holt, or a Mansfield; but all the historians or biographers, who have given any study to his career, are agreed in representing him as an exceptionally patient, impartial, learned, and discriminating Judge. In the House of Lords he signalized himself by opposing the Bill enacting that all legal proceedings should be conducted in the English language. We are reminded that down to his time an indictment was couched in barbarous Latin, and that a proposal to render it intelligible to the accused party was regarded by the most eminent lawyers as a dangerous innovation.

Portraits of Sir John Holt, Sir Robert Raymond, Sir John Powell, Sir Thomas Bury and Sir John Turton hang in the Hall of Gray's Inn, and their arms as well as those of Sir William Rawlinson, Sir George Hutchins, Sir William

Gregory, Sir Edward Nevill and Sir Salathiel Lovell are depicted in its windows.

In the reign of George III Gray's Inn sent to the Bench Sir James Eyre, successively Chief Baron, Commissioner of the Great Seal, and Chief Justice of the Common Pleas, Sir Thomas Clarke, Master of the Rolls, who is said to have refused the Lord Chancellorship, and such eminent Judges as Sir Alan Chambre, Sir John Bayley, Sir George Holroyd, Sir John Hullock, Sir Stephen Gaselee and Sir Joseph Littledale. There was one who never reached the Bench, yet towered above them all. This was Sir Samuel Romilly, who was Solicitor-General in the Administration of All the Talents. Reference has been made in a previous chapter to the priceless contributions which he made to the reform of the criminal law, and to the lifting up of the profession which he adorned. In more recent times the Inn has taken pride in the distinction attained by Sir Frederick Thesiger, who became Lord Chelmsford and Lord Chancellor ; by Lord Justice Holker, by Lord Justice Lush, by Sir John Huddleston, by Sir Henry Manisty, by three eminent Lords of Appeal, Fitzgerald, Watson and Shand, and by Lords O'Hagan and Ashbourne, Chancellors of Ireland.

We are debarred from referring by name to any living members of the Inn. They include a brilliant ex-Lord Chancellor, the Chief of the

Scottish Bench, an ex-Lord Chancellor of Ireland, and many lawyers and Judges of distinction representing England, Scotland and Ireland.

The Society takes a special pride in including among its Benchers Mr. Justice Duff, a distinguished Canadian Judge, the Honourable J. M. Beck, Solicitor-General of the United States, and Mr. Paul Cravath, of the New York Bar. To-day, in the hall of Gray's Inn, English, Scottish, Irish, Dominion, and American lawyers meet in brotherhood and share the rich inheritance of its fame and its traditions.

XIV. A VISIT TO GRAY'S INN

IF any readers of this book should desire to visit Gray's Inn, they are advised to begin with the Hall, which is a rich store-house of historical associations. It is sometimes said that the Hall was built between 1556 and 1559. But that statement does not do justice to its antiquity. The records show that what really happened between 1556 and 1559 was not the building but the "re-edifying" of the Hall at a cost of £863 10s. 8d.; a sum insufficient even at that time, for the building of such a Hall. That some of the former structure remained after its re-edification, has been proved by the discovery, over an old doorway, of the carved escutcheon of Charles Brandon, Duke of Suffolk, who died in 1545. At that time we find the Hall described in the records of the Society as the "Olde Hall." It seems reasonable to infer that a substantial part of the present Hall was in existence long before 1545.

The attention of the visitor is drawn to the interior of the roof which recalls the shape and dignity of that of Westminster Hall; to the screen, which, according to tradition, was a gift from Queen Elizabeth; and to the windows which, from an heraldic and an antiquarian point of view, are of exceptional interest. The wainscoting is comparatively modern, but some of the woodwork is believed to come from the spoil of

the Armada. Probability is lent to the tradition, when we remember that nearly all the great statesmen of that reign were members of the Society, and that one of them was Charles Howard of Effingham, Earl of Nottingham, who commanded the Fleet that defeated the Armada.

On the walls of the Hall hang the portraits of four sovereigns, all of whom took a personal interest in the welfare, and in the social life, of the Society. These were Elizabeth, Charles I, Charles II, and James II. There are also to be seen the portraits of four Lord Chancellors or Keepers of the Great Seal, namely Archbishop Stephen Gardiner, Sir Nicholas Bacon, Sir Francis Bacon, and the Earl of Birkenhead ; of a Lord Chancellor of Ireland, Lord Glenavy ; of two Chief Justices of the King's Bench, Sir John Holt and Lord Raymond ; of two Chief Barons of the Exchequer, Sir Thomas Bury and Sir James Eyre ; and of four eminent Judges, Sir John Powell, Sir John Turton, Sir George Holroyd, and Sir Henry Manisty.

It is in the armorial windows of the Hall that the Society's roll of fame is unfolded. These windows display the escutcheons of successive generations of famous members of the Inn from the time of the Plantagenets down to our day. Many of them were inspected in or before 1666 by Sir William Dugdale. He copied

them into his monumental work, where anyone can study them and can compare them with their originals on the window panes of the Hall. Most of them look as fresh as if they had been painted yesterday. The oriel window in the north-eastern corner of the Hall contains seventy-eight escutcheons dazzling the eye with bright colours and great names.

The present cupola of the Hall was substituted for a more ancient cupola in 1826. It is believed that the ancient cupola was the model from which Andrew Hamilton, who was a member of Gray's Inn, drew the plans of the cupola of the State House of Philadelphia built in 1722. Andrew Hamilton's plans have been presented to the Library by the Honourable J. M. Beck, Solicitor-General to the United States, and forms one of the many links that bind Gray's Inn to the great Republic of the West.

Next to the Hall, the most interesting feature of Gray's Inn is the garden, the history of which has a special interest, because it was created by Sir Francis Bacon, who devoted much of his leisure-time during some twenty years to planning it and to laying it out. The old maps and records show that down to 1586, when Francis Bacon became a Bencher, the Inn did not possess any ornamental garden. The site of what is now the garden was covered by two fields, a " back field "

on the west side of the buildings of the Inn, and a smaller field on the northern side, called "the Panyerman's Close" The Panyerman was a servant of the Inn who brought provisions from the market with a horse and panyers, and also helped to wait at table. The "Close" was a perquisite of his office. In Bacon's time it had been leased upon certain conditions to a Bencher named Stanhope, who made a small annual payment to "the Panyerman."

Francis Bacon, for whom, as we know from his Essays, gardening was "the purest of human pleasures," after becoming a Bencher, set about turning the "back field" into a pleasure ground, planting it with ornamental trees, and making a number of shady walks. When he had completed this task he turned his attention to "the Panyerman's Close." Stanhope was accused of having failed to observe the conditions of his lease, and the lease was cancelled. Bacon then induced his fellow Benchers to throw "the Panyerman's Close" into the garden, of which it has ever since formed a part.

Bacon devoted much time to planting and garnishing the walks, and lived to see them described by John Stowe, the historian and antiquary, as "the chief ornament belonging to the Inn," and as a place which had been "for many years much resorted to by the gentry of both sexes." From time to time, for two centuries

afterwards, we read of Gray's Inn "Walks" as a favourite resort of fashionable society. An author and diplomatist of James I's time, James Howell, wrote of them as "the pleasantest place about London, where is seen the choicest society." In Charles II's time Pepys used to go there "to see the fair ladies walk," and "to observe the fashions." About the same time Dryden, in one of his comedies, introduces Gray's Inn Walks as a fashionable rendezvous. In Queen Anne's time Addison made Sir Roger de Coverley walk on the terrace of Gray's Inn Gardens, and Addison himself is said to have planted a tree there. When we come to the time of George IV we find Charles Lamb, in The Essays of Elia, lamenting the encroachments of the house builder and declaring : "They are still the best gardens of any of the Inns of Court —my beloved Temple not forgotten—and have the gravest character, their aspect being altogether reverend and law-breathing. Bacon has left the impression of his foot upon their gravel walks."

From the Garden the visitor is advised to wend his way to the Chapel, which, according to ancient documents, maps and traditions, stands on the site of the Chauntry, which was attached in the fourteenth century to the Manor-house of the Barons Grey de Wilton. For at least four centuries and a half the place has been used for

divine service by the members of this Society. It has conformed to many changes, but it has never discontinued its main function. It has been noted in the past for the eloquence of its preachers, and for the beauty of its music ; and in these respects it fully maintains its reputation.

A list has been preserved of twenty chaplains of Gray's Inn between 1574 and 1883, several of whom rose to the Episcopal Bench or became Heads of Colleges at the ancient Universities. Three of them may be selected for notice at haphazard. Nicolas Bernard was chaplain to James Usher, Archbishop of Armagh, who made him a Dean in Ireland. Archbishop Usher was a member of Gray's Inn, and it was probably by his influence that Nicolas Bernard was appointed Chaplain of the Inn. He also became Almoner to the Protector, Oliver Cromwell. When Usher died, he obtained from Cromwell £200 to defray the charges of his old patron's funeral. His successor in the chaplaincy of Gray's Inn was John Wilkins, a man of great tolerance, who managed to win and to retain the confidence and affection of both Roundheads and Cavaliers. He married the Protector's sister, and became Master of Trinity College, Cambridge. After the Restoration, Charles II removed him from that post, but subsequently recognized his merits by making him Bishop of Chester. Another Chaplain of the Inn was

William Wake, who became Archbishop of Canterbury. He was appointed to Gray's Inn in 1688, and it is said that James II unsuccessfully attempted to prevent his election. Five other Archbishops of Canterbury have been members of Gray's Inn, viz. : John Whitgift, Richard Bancroft, William Laud, William Juxon, and Gilbert Sheldon.

When Dugdale saw the Chapel about 1671 it contained some old windows painted with figures and armorial bearings. The edifice was then falling into decay and becoming ruinous. It was "beautified and repaired" in 1699. The modern interior is not imposing. There are some interesting windows which were presented by one of the Benchers, who has been a generous benefactor of the Society.

From the Chapel we ascend to the Library. It is the modern successor of a very ancient collection of books. The earliest known reference to the old library occurs in a will dated in 1555, by which certain of his law books were bequeathed to the Inn by one of the Benchers, together with forty shillings to provide chains for fastening them. At that time the books were kept in chains in a room situate on the same floor as the chamber of the Lord Keeper, Sir Nicholas Bacon—afterwards tenanted by Sir Francis Bacon—on the site now occupied by No. 1 Gray's Inn Square. Sir Francis Bacon

was such a benefactor of, and took so much interest in, the Library that he came to be spoken of as its founder. In the time of Charles I it became the fashion for members of the Inn to present books to the Library with their names inscribed upon them ; and among such donors were Lord Keeper Finch, Chief Justice Bankes, Sir Dudley Digges, Sir Richard Hutton, and others of the judges of that day.

The story of Robert Raworth's benefactions to the Library is a curious one. He was a Bencher, who in 1668 was excused from discharging the duties of Reader upon paying a fine of £200. The entry in the Records, dated the 1st May, 1668, is as follows : " Mr. Raworth is permitted to remain a Bencher, paying two hundred pounds instead of reading." It was subsequently ordered that the two hundred pounds was to be disposed of as follows : " One hundred pounds for books to the Library, and the other hundred pounds towards repairs in the Walks." As a result of the Order the Library possesses upwards of a hundred volumes. They are inscribed " ex dono Robert Raworth," but they were really the fruits of the fine imposed upon him for his recalcitrancy as a Reader.

The Library suffered in 1684 from a disastrous fire, which destroyed many ancient books and records. In 1689 a catalogue was ordered and compiled which showed that the Library con-

tained 326 volumes. Many of them remain to this day inscribed with their donors' names, and bearing the marks of the chains by which they were once fastened in the old room near the chambers of Sir Nicholas and Sir Francis Bacon.

It was in the eighteenth century that the books began to be housed in their present location in the upper floor of the building which connects the Hall with the Chapel. At the present time the books number about 27,000. The Library does not challenge comparison with the Libraries of some of the other Inns of Court in which general literature is more extensively represented ; but it is the aim of the Benchers to make it adequate for the requirements of Barristers and Students, who are encouraged to avail themselves of its advantages for all their professional and educational purposes.

From the Library the visitor will descend to the two Pension Rooms which are under the Library on the ground floor. The larger Pension Room was once the Under-Treasurer's Office. It contains portraits of Francis Bacon, of Lord Burghley, of Sir Christopher Yelverton, of Lord Shand, of Mr. Henry Griffith, a former Bencher, who presented to the Society the portrait of Queen Elizabeth that hangs in the Hall, of His Excellency Timothy Healy, K.C., Governor-General of Southern Ireland, painted by Sir John Lavery,

and of Sir Lewis Coward, K.C. Here also hang two portraits which are of special interest : those of the Honourable James Montgomery Beck, Solicitor-General of the United States, and of Mr. Paul Cravath, an eminent leader of the New York Bar. The latter portrait was painted by Orpen, and is considered to be one of that artist's masterpieces. Gray's Inn takes pride in the happy circumstance that these two distinguished American lawyers are Honorary Benchers of the Society.

The smaller Pension Room was once the chamber of Sir Gilbert Gerrard, Attorney-General, Master of the Rolls, and a Commissioner of the Great Seal in the time of Queen Elizabeth. After his death in 1595 it became the office of the Duchy of Lancaster, the Clerkship of which was held for several generations by members of the Gerrard family. For nearly two hundred years it continued to be the office of the Duchy; and the roses in the ceiling remain as a memorial of its Lancastrian associations. Towards the end of the eighteenth century, when the Office of the Duchy was transferred to Somerset House, the chamber was surrendered to the Society and was thenceforward used for the transaction of its business and for social purposes. On its walls hangs one of the chief treasures of the Society, a portrait of Sir Samuel Romilly, which is a fine specimen of the art of Sir Thomas Lawrence.

A VISIT TO GRAY'S INN

As the visitor leaves the Inn, let him glance at the statue of Sir Francis Bacon which occupies a prominent place in the South square It was in Francis Bacon's time, and mainly as a result of his exertions, that Gray's Inn touched the highest point of its renown and of its prosperity. His effigy personifies the *genius loci*. His memory spurs the members of the Society to the pursuit of learning, of fame, and of usefulness, and makes them ambitious of reviving the splendour of its golden age.

DUNBAR PLUNKET BARTON

BOOK III LINCOLN'S INN

THE COMING OF THE LAWYERS

TO penetrate history further back than five hundred years to discover the precise circumstances of the origin of Lincoln's Inn were unprofitable and probably futile.

Even concatenated records to cover that vast space of time are rare and valuable when they concern an institution whose history is so intimately indicative of English political, legal and social progress.

The official records of Lincoln's Inn, termed the Black Books, date back to 1422. At that time the Society was in active being, and so it has continued uninterruptedly to the present day.

The ground now occupied by Lincoln's Inn was in 1422 in the possession of two great magnates, de Lacy, Earl of Lincoln, and the Bishop of Chichester. De Lacy had acquired land in what is now Holborn, formerly in the possession of the Black Friars. These had left it to take up quarters by the river's brink, at the locality still bearing their name. At that time the space west of the City of London, as far as Westminster, was occupied by nobles, prelates and so forth ; each had his hall, his chapel and his garden, which latter was of an extensive character, as there was no lack of ground. Now at this time the lawyers were

pressing in on London. The Law was losing its close connection with the Church, wealth was increasing, there were commercial disputes to be settled, the courts were getting busy, skilled hands were needed to do their work. Eager for money and advancement, the lawyers were quick to proffer their services. Henry de Lacy, the then Earl of Lincoln, encouraged a body of them to fix their quarters near his great house in Holborn. This was on ground now known as Thavie's Inn, which still exists to-day in a truncated form, the north end having been cut off in forming the approach to Holborn Viaduct. John Thavie, from whom the place derives its name, was a member of the Armourers' Company. He possessed houses there which he finally bequeathed to the parish church of St. Andrew, which church still possesses them. However, the lawyers were before him, for between 1286 and 1310 the Earl of Lincoln had settled them there. It was natural that they should take his name. Here for nearly a century they abode, then the majority moved to two houses in Holborn which had belonged to Lord Frunival.

They were only here for a comparatively short time, for as early as 1422 the greater part of them moved southward and became tenants to the Bishop of Chichester, who had his palace, or hall, with chapel and grounds, lying to the west of New Street, afterwards Chancellor's or Chancery

Lane. It was so called because Ralph Neville, Bishop of Chichester, an ambitious, powerful and able prelate, was Lord High Chancellor of England. After his death his successor, Richard de la Wich, occupied the house. He was canonized, and the old chapel of Lincoln's Inn was dedicated to him. His shrine at Chichester was famous for its splendour and for the miracles wrought there by the saint. Commissioners under Henry VIII made as summary an end of it as they did of that of St. Thomas at Canterbury. The lawyers, still keeping their name of Lincoln's Inn, increased in power and number. They acquired bit by bit what may be called the Chichester Estate, the Bishops only reserving to themselves sufficient accommodation to serve them on their visits to London. It will be noted also that whilst acquiring the new they did not forget the old ; they still retained possession of Thavie's Inn and Furnival's Inn as houses dependent upon them and nurseries so to speak for lawyers who were afterwards to become full members of Lincoln's Inn. Thavie's Inn was purchased out and out by the Society in 1550 for £75 from one Gregory Nichols, citizen and mercer, and disposed of in 1769 to a certain Mr. Middleton for £4,100. In 1547 the Society acquired the complete property of Furnival's Inn, whereof they had only been lessees, from Francis Earl of Shrewsbury and Lord Furnival,

for what seems to us now the ridiculous price of £140; they sold it in 1853 for £55,000, the rent stated being about £6,000 per annum. They got the fee of the Chichester property in 1580, but before this it had passed out of the hands of the Bishops, since in 1537 Bishop Sampson had disposed of it to William Suliard, one of the Benchers, and his brother Eustace. Edward, the son of the latter, inherited the estate, and he it was who disposed of it to the Society in 1580.

What aspect had the place in those ancient days? Land must have been comparatively plentiful, and the infrequent houses that lodged the lawyers of the period, though small and mean, as their successors would now consider them, had abundant space for gardens and courtyards, and there must have been a good deal of waste. The houses were of two stories; they were built of wood and were plastered over. The Bishop's hall was used as the Great Hall of the Society, and it seems there was another chapel dedicated to St. Mary. Although many of the buildings in Lincoln's Inn are of a quite venerable antiquity, yet none survives from those very early days. To the north there was a spacious garden bounded by Chancery Lane on the east side, and by a coney garth, or rabbit warren, as we should now call it. The rabbit was quite an important animal in those old Inns of Court. Here he was eagerly hunted by the students and other members

of the House. In course of years he must have become a wary animal, not at all liable to capture by the first-comer. The Benchers also, from time to time, issued decrees, carefully preserved in the Black Books, to restrain the inordinate ardour of the youthful sportsmen, which decrees were doubtless but indifferently observed. The property of the Inn then, as now, extended down the greater part of the east side of Chancery Lane, from which it was separated by a ditch crowned by a wall made of mud and thatched with reeds. Entrance to the Inn was by a gate, which was near the present old Gatehouse. This boundary ran along the north and west side of the Inn grounds. At the north end there was a way through to Lincoln's Inn Fields ; on the south there was a wall, and there was a postern gate on the south-west, which led to Fickett's Fields. The Inn afterwards acquired portions of this land, and on it was built the mass of houses now known as New Square.

II. THE OLD BUILDINGS

IT is now proper to give some account of the buildings of the Inn as they exist to-day. First comes the Old Hall, which dates from as far back as 1489, when the Bishop's Hall, which had no doubt become inconvenient and unsuitable, gave place thereto. It has been very much altered in succeeding centuries, so that little of the original shape is left. It is about 71 feet in length, and in breadth 32 feet, which is also near its height. On each side are three large windows of three lights each, and there are two large oriels at the ends, each of which has four lights. Buttresses support the walls ; there is an embattled parapet. You enter by an archway at the south end, opposite to which was the way to the old kitchen. W. H. Spilsbury, a former librarian and author of one of the leading accounts of the Inn, tells us that " the exterior was extensively repaired and stuccoed by Bernasconi in 1800." About that period there was what seems to us now an unreasonable mania for stucco. Fine old work was concealed and buried beneath plentiful coatings of it. The chief alterations to the hall were in 1625, 1652, 1706 and 1819, in which last it was lengthened as not big enough for the number of folk it had to house. Also, and much worse, the old open oak roof was replaced by a covered ceiling of plaster, a most barbarous innovation, which, one is glad to think, is to be done away with, as the

Benchers have decreed that the hall is to be restored to something like its ancient condition. Until the opening of the present Law Courts the hall was extensively used for Chancery Courts, and meetings of various sorts are still held there upon occasion. The fire was in the middle of the room, the smoke gaining exit by a louvre in the roof, as was the common arrangement in halls of the kind.

Next in date comes the Gatehouse, the chief entrance to the Inn from Chancery Lane. It was begun in 1518, and completed in 1521. We owe it chiefly to Sir Thomas Lovell, K.G., a Bencher of the Inn and Treasurer of the Household to King Henry VIII. There are massive towers on each side which rise four stories above the ground floor. You enter under a pointed arch, over which there is a tablet of three panels. The central one contains the arms of Henry VIII as King of France and England ; on the left are the arms of the Earl of Lincoln, and on the right are those of Sir Thomas Lovell himself. The solid doors of oak put up early in the reign of Elizabeth still remain and are still closed at night. A postern on the north side was added later. A tradition exists that Oliver Cromwell had chambers in or near the Gatehouse, but it seems baseless ; his son Richard, however, was admitted a student here. You enter to the part called Old Buildings,

which are what is left of the general rebuilding of the whole place, which occupied from 1524 to 1613. It was in Number 24 here that Thurloe, one of Cromwell's Council of State, lived from 1647 to 1659. He then went to what was formerly 13 Old Buildings, where he stayed for some two years. It was behind a false ceiling there that the famous Thurloe papers were discovered in the reign of William III. This collection was given to the learned world in 1742, under the editorship of Dr. Birch.

One turns now to the Chapel. Desperate attempts have been made to connect this building with its predecessors, but these have not been successful. It was begun in 1620 and completed in 1623. We owe its original form to Inigo Jones ; it was restored and altered in 1797 and again in 1883. It is built on pillars, having thus under it an open crypt or ambulatory, so that it was extensively used for business meetings and recreation ; also it was a cemetery ! Thus we have in *Hudibras* an account of lawyers who wait for customers between the pillar rows in Lincoln's Inn, and Pepys, in his famous *Diary*, tells of a visit to Lincoln's Inn, "and so to walk under the Chapel by agreement." After the end of the eighteenth century the burial-place was reserved for Benchers, and indeed the last interment was on the 15th May, 1852, of one of those dignitaries. Previously it had been

much in use for servants and members of the House. Thus in 1829 we have the burial of Dr. Lloyd, Bishop of Oxford, formerly Preacher to the Society—whilst earlier in 1780 we have the last record of one, William Turner, described as "Hatch-keeper and Washpot to this Honble. Society," an example of different ranks levelled in death. But most of these stones now deciphered are of Benchers.

There are six original windows in the Chapel, three on each side. These are filled with stained glass executed by the family of Van Linge. One woman is buried in the Chapel, this was Eleanor Louisa, only daughter of Lord Brougham, who died in 1839 at the age of eighteen. Brougham used great pressure to induce the Benchers to consent to such a departure from their ordinary practice: he intended, he announced, to be buried beside her. He, however, was interred at Cannes, where he died.

The Society has a long roll of famous preachers who ministered in the Chapel. It were tedious and useless to give even a list of these, but one or two names deserve passing notice. Dr. John Donne, the amatory and sacred poet, was appointed preacher 24th October, 1616; he had previously been a student of law at the Inn, and when he gave up that calling for the Church, the Benchers probably thought it desirable to encourage one of their own house. When he

THE HALL

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left the Society to become Dean of St. Paul's, he presented the commentary of Nicholas de Lyra on the Bible to the Library ; there are six folio volumes of it, also it is enriched with a Latin inscription in the poet-preacher's writing telling how he laid the foundation-stone of the new Chapel, and how just as it was being finished he was taken away to new duties. He returned, however, to preach the opening sermon, at which there was such an extraordinary concourse of hearers that several were carried forth more dead than alive, with the breath well-nigh squeezed out of them. Donne was a great man in his own day and remains a noteworthy figure even to our own age, yet his most lasting memorial is the life of him by Isaac Walton, that beautiful yet simple and choice literary artist. The Archbishops make a considerable figure among the preachers. Thus Usher filled the post in 1647. He was then sixty-eight years old. He gave to the Library a copy of his famous *Annales* with the inscription *ex dono authoris*. Again, Herring, Archbishop of Canterbury, was chosen as preacher in 1226, whilst the probably more eminent Bishops Warburton and Hurd also filled the office. We must not forget, however, to mention another Archbishop of Canterbury, and certainly a very great man in his own day. This was Tillotson, who was appointed in 1663 ; his death profoundly affected King William and Queen

Mary. Locke spoke of his loss as a great calamity ; Addison in later years estimated his writings as the standard measure of all that was good in English prose. Last, Reginald Heber, Bishop of Calcutta, was appointed preacher in 1822. His memory still lives to-day as the author of a famous hymn. Here for the present we must leave the Chapel.

Two other parts of the Inn now require our notice. To the south a piece of land formerly called Serle's Court abuts on the back of the present Law Courts. It was originally part of Fickett's Fields, already mentioned. It finally became New Square, and after much intrigue and litigation passed mainly into the hands of the Society. Another part of the Inn that attracts attention is the "Stone Buildings." Huge, massive and coldly legal, these lie between Chancery Lane and the eastern side of the gardens. On a front which faces the gardens you will note a sun-dial, put up by the great William Pitt during his treasurership of the Inn. It is marked with his initials, for it is perhaps useful to explain that whenever a new building is put up or an important alteration made in any of the Inns of Court it is the time-honoured custom to affix to the fresh structure the date when the work was completed, together with the initials of the Treasurer for the time being of the particular society.

III. THE NEW HALL AND LIBRARY

EARLY in the reign of the late Queen Victoria the Benchers of the Society were much exercised in their minds at the scanty accommodation they had for the ever-increasing body of students, and the ever-growing business transacted within the Inn. They finally determined to construct a new hall and library, with Benchers' rooms and appropriate offices on a truly magnificent scale. The design was entrusted to Mr. Philip Hardwick. The spot chosen was to the north-west of the Inn. Unfortunately it swallowed up a great part of the garden, but that was unavoidable. The foundation-stone was laid on the 20th April, 1843, by Vice-Chancellor Sir J. L. Knight Bruce, who that year was Treasurer of the Society. There was, of course, a procession with all the accompanying features usual on such occasions. Matters were not delayed, so that within two and a half years the whole structure was complete. It stands on an elevated terrace rising amidst the green of the pleasant garden ; the material is the best brick, with stone dressings and interior enrichments. Here there is an entrance-gate by which you gain access from Lincoln's Inn Fields. You might consider this the chief entrance to the Inn, though the one in Chancery Lane has antiquity and old usage in its favour. In truth, however, the most convenient entrance, and the

one more employed than any other, is Serle's Gate, which opens from the south-east end of New Square, with the Law Courts on the other side of the street. However, our present business is with the Great Hall. By a flight of steps to the left you mount to the level of the Hall ; the great window is before you between two towers —fine and large and square, three stories in height. The window itself consists of seven lights divided by transoms. Here also you will note a richly-ornamented niche, which holds a statue of the late Queen Victoria, who might well be considered the patron saint of the building. The Hall consists of six bays ; it is 120 feet long, 45 feet wide, and 62 feet high. There are five large windows of four lights each. You move from the Hall to the Library by a noble corridor to the left of which is the Council Chamber, and opposite to it the drawing-room. On the eastern front is the Library, which is reached from the outside by a double flight of granite steps. All about in the rooms are portraits by the most eminent artists of their respective days of the most famous members of the Society. In the Library you will particularly note the fine statue of Lord Chancellor Erskine. This statue is ever and again the object of somewhat acrimonious controversy, which dies away and is presently renewed. One party alleges that the Inn has no right to this statue as it is the general

property of the profession, and ought, it is alleged, to be removed to the Law Courts. The Benchers themselves disdain to reply to these suggestions ; they are in possession, and so they intend to remain.

In the construction of the whole there was followed "the collegiate style towards the end of the sixteenth century before the admixture of Italian architecture." The interior arrangements generally follow those of the college halls at Oxford and Cambridge. Experience has shown their utility, and the taste of successive generations of mankind bears testimony to their beauty. Returning to the Hall you find on the north side the dais or raised platform. On this is placed, as is the custom in all such halls, the chief table. Here dine "the Worshipful Masters of the Bench," to give them their proper title. These are the Governors of the Society, irresponsible, perpetual, adding to the number from the members as and when they choose. Scarcely a mode of government, you would think, suitable to a democratic age, but it is the model prevailing in all the Inns of Court, and no one seriously proposes to alter it. In truth it is more democratic than appears at first sight, for the Benchers are never unmindful of the wishes and desires and opinions of the general body of members who sit in the Hall below them. Down the Hall a little way below the dais are cross tables

where the utter or outer barristers, who are now called simply barristers, sit, whilst down the room lengthwise run long forms and tables occupied by the inner barristers, who are now termed students. These are in process of being trained for the Bar. Part of that training, as is well known, consists of eating a certain number of dinners in Hall. This is described as keeping your terms, nor can you be called to the Bar unless you have thus kept a certain number of terms. In addition you must pass some fairly severe examinations in various legal subjects. The old system of examination chiefly consisted of practical exercises, which were called moots. In its own way this old system was as severe and perhaps more thorough and practical as that now prevailing, but there was a period of a good many years when the old system had died away, and the new order of examinations had not come into force. These were the halcyon days of the sluggard. You ate your dinners, you paid your fees, and without more ado you were called to the Bar ; but then the further question arose, what use was your call to you ? The only answer was that it gave you a certain position, so that a very mixed crowd during this period began to frequent the Inns of Court. The scandal of the whole thing was rapidly getting worse when the examinations came in and saved the situation. As these became more and more

severe they first checked and then effectually barred the incoming tide of undesirables.

Dinner in Hall is accompanied by various ceremonies, not here to be related. On the walls are hung the achievements of each Treasurer in succession ; he is the head of the Inn, but for one year only, so there is a considerable collection of tablets. The custom of placing them there has been observed for the better part of two centuries. They contain the names of many famous men ; perhaps the student who sits below them may find his attention arrested by the shadowy recollection of some great past, and so be stirred on to further efforts towards an honourable career ! The fare provided is always substantial, and on call nights and "grand nights," and so forth, may be described as choice. At one time people here as elsewhere dined at noon ; then, as befitted polite society, the time gradually grew later. In 1777 it was four p.m., and in 1829 it was five. To the man of to-day these seem almost incredible dinner hours, but they are no longer kept by the Society, which, like the other Inns of Court, takes its dinner at the reasonable hour of seven p.m. It has often been pointed out that about these hours must be the natural time ; at least it was a reversion to a very early practice, only we talk of lunch and dinner. Our forefathers called the meals dinner and supper.

The most striking feature of the inner decorations of the Hall remains to be noticed. In 1852 the late Mr. G. F. Watts, R.A., suggested to the Bench that he should decorate the north wall with a fresco, to be entitled, "Justice, the Hemicycle of Law Givers." It was accepted and the work was finished in October, 1859. The fresco was forty-five feet wide and forty feet high ; it was richly covered ; it contains fancy portraits of the great law-givers of history, yet in one sense the portraits were not all fancy, the heads were those of living celebrities. Thus Tennyson stood for Minos, King of Crete, whilst Justinian, the Roman law-giver, was really Sir W. Vernon Harcourt. It was a wonderful achievement. Watts himself considered it his masterpiece, and he regretted that few would ever be able to see it. Alas, before very long it was discovered that the fresco was doomed. The effect of our climate had not been, perhaps could not be taken into account. Year by year the magnificent creation fades steadily away, so that at the present time you only see the thing in outline.

This imposing collection of buildings was formally opened on the 30th October, 1845, by Her Majesty Queen Victoria, who was attended by the Prince Consort. There were the usual ceremonies and loyal addresses and replies, and the Royal signatures were written in the

LIBRARY INTERIOR LINCOLNS INN

books of the Society. There followed a great banquet in the Hall. Of course, the Queen's health was drunk, and then at Her Majesty's command Prince Albert proposed prosperity to the Honourable Society of Lincoln's Inn. The curious noted that the Queen duly drank her glass of wine to the bottom, and that Prince Albert paraded through the Hall in a student's gown! The proceedings terminated at three o'clock, when everybody departed highly delighted with the events, and no doubt with themselves.

IV. THE LIFE OF THE INN IN FORMER DAYS

AN attempt will now be made to exhibit to the reader how the members of the Inn lived and worked and played, feasted and sorrowed in the centuries within our knowledge. Ample material is available for this purpose. All the Inns of Court have now published their records, copiously and ably prefaced and annotated by competent hands. The records in the case of Lincoln's Inn date from the time of Henry VI, from 1422 in fact, for that is when the first Black Book begins. It opens abruptly ; probably there were earlier volumes, if so these have vanished. The chronicle once started, however, is continuous ; it comes down to our own day, and is still in progress. The Inn has always been governed by Benchers, so called because they sat at the big or bench table in the hall. There they deliberated and gave forth their decrees, which being duly recorded form the bulk of the Black Books. Good part, as was inevitable, is without real interest, a mere chronicle of small beer, but then "gold exists among the shale," and it exists in considerable quantities. The life of the Inn in the old days centred round the Hall, much more than it does at the present time. Here the members met for breakfast, dinner, and supper, which they took in common for centuries. The Benchers sit as Council, and the governing

body was so termed. The name was distinctive ; the like assembly was known in the Temple as Parliament, and in Gray's Inn as Pension. Again in the Hall the Society amused itself ; here the members were educated, discussed in friendly intercourse the current gossip of the day, stood the censure of the Council for their wrong-doing, passed in short a very large portion of their lives. They went to the Courts to plead, and they slept and studied privately in their "chambers," as their rooms in the Inn have always been called, but for the rest they were mainly in the Hall. On Sundays, of course, they did their duty by attending service in the neighbouring chapel. The *valetti* or servants were in close relations to the members ; they, as well as the clerks, dined for centuries in the Hall, though at other tables. Even when this was done away with they had their food in adjoining rooms, though now the clerks have no part in the Hall, nor have the servants, except to serve. The food was of a simple character ; for breakfast and supper it was merely bread and beer. In 1609 one finds that it was only provided four days in the week. Each man had his own beer-pot ; some of these have been dug up and are now preserved in a cabinet for the instruction and amusement of our own time. At dinner there was fish in Lent ; beef and mutton at other times. The food was eaten off wooden

trenchers. Apparently the clerks had not even this convenience, and they used bread as a kind of plate. In 1613 the Benchers found it advisable to allow them trenchers, and save the bread for its proper use. The members were summoned to food by the blowing of a horn, repeated in various parts of the Inn. This is still in use in the Temple to give warning that dinner-time is nigh. It falls on the ear to-day with a weird ghostly note, an echo from long-past years, and long extinct lives. When the members assembled in the Hall a knock with a key or a book admonished them to be ready to begin. Afterwards there was a little more formality ; the second butler smote the table with a wooden mallet. Then there was grace and the fellows set to work. When dinner was ended, grace was said again. The same order was observed at supper, but breakfast was a meal of less formality, so that it soon became the habit to take it in chambers. The Benchers sat during dinner at the high table on the dais, the barristers and students below in due order. The Hall was lighted by candles of various sizes, and there was one or more candelabra suspended by hooks and lines. There was a fire in the middle of the Hall. This was the only fire to which the most of the students had access. The old chambers were originally without fireplaces ; when a more luxurious age demanded these as indispensable, they were

built in, and chimneys erected on the outside to take away the smoke. When we consider what our climate is for more than half the year we find this an astounding fact. How did human beings study? How did they even live under such conditions? Custom must go for something. Probably men then wore heavier and thicker clothes; in the rooms they would keep doors and windows shut, with a complete disregard of ventilation. With it all how glad they must have been of the central fire in Hall! Whether it was from the cold or from the roughness of the times, those old lawyers were an irascible set of men. They beat the servants most violently on little or no provocation, they had a rooted enmity to inferior ministers of the law, and they laid hands on one another for the smallest excuse. Thus in 1635 a certain Mr. Nichols, "one of the gentlemen of this house," came to dinner and supper in a scarlet coat. The butler was sent to tell him to leave the place, whereat he smote that official violently. For this he was fined three pounds, and put out of commons till he paid. It was afterwards discovered that this same violent gentleman, even when he wore the orthodox gown, had a sword concealed under it! Again, in 1598, an individual was fined ten pounds for striking the Pannyer man on the head with a cudgel. This Pannyerman was an important official; he bought in the market for the

Inn, and waited at table. He had charge of the clerks' room. The official of the day kept it on one occasion in such a shocking state that the clerks, irascible as their masters, proceeded to "pump" him; that is to stick his head under the nearest pump and bedew it with floods of water. He was saved by certain of the Fellows of the House, and the aggressors were fined. Again a bailiff was sent with a writ to the Inn. He refrained from serving it in the precincts out of respect, as he declared, for the Society, but his moderation availed him nothing. Word of his presence got wind, he was seized, pumped and shaved, in no gentle fashion you suspect, and then sent about his business. In May, 1506, we learn that a certain Miles Hubert was fined for breaking the door of the White Hart in Holborn and beating the housewife there. Two brothers called Shipworth made themselves specially notorious. One threw a dish of butter, the other an ale-pot, at the steward's head with all too certain an aim. When compared with such proceedings how trifling seem certain offences of the students, as purloining quince pies from the oven and does from the kitchen, hunting conies with bows and arrows, and afterwards with guns through the thickets of the coney-garth!

You find that regard for the lower animals is quite a modern idea. These old times were

cruel times. "Hunting nights" in Hall were regular institutions. Then a fox and a cat were chased by dogs amidst a crowd of excited spectators until they were caught and torn to pieces. Scenes of wild disorder occurred now and again; such, the Bench solemnly assert, "as the most ancient in this House have neither known nor heard the like in ancient times." An amusement of less questionable character was an outing to Kentish Town. A strange pastime for a summer day, but no doubt it was a far other Kentish Town than what we now wot of. Upon occasion in the Hall there were revels and masques. Some of these scripts are preserved; they make rather heavy reading to-day, but it was "the tune o' the time," and so may pass. At Christmas, too, there were most ceremonious rejoicings, for which funds were allotted and officers appointed. Strangest of all was the ceremonial dancing in Hall before the judges and other bigwigs. It had almost the importance of a religious rite, and was highly extolled as excellent both for the bodies and brains of the students.

The proper dress was cap and gown, and the gown is still worn to-day officially in Hall, but fashion made its influence felt among the young gallants assembled in the Inns, for during centuries no one not a gentleman by birth was admitted to the fellowship of the House. Thus hats, cloaks, swords, rapiers, lace, large ruffs

THE GARDEN LINCOLNS INN

and long hair were again and again denounced by the Benchers, and probably in vain, for in those days men were not ashamed to dress. However, garb here, as elsewhere, gradually grew plainer, till it fell to the dead level of to-day. The food and drink on the other hand grew gradually richer. Oysters had for a long time past been held in high favour at the Inn ; roses were bought to lay among the Benchers' linen. You can trace in the Black Books the introduction of Canary and Port, of "arrac punch," and then in 1775 we have the first mention of "champagne." Enough of the body, and now for the education of the mind. Something has already been said of moots, which were a sort of mock trial. A "bolt" was a more elementary form of the same exercise. An Ancient barrister presided ; he sat on the dais ; below, behind a bar, were two gentlemen prepared to argue. Between them a member quaintly termed "put case." He stated the point at issue, as his name implies. His presence was also judged useful in case the disputants, sick of words, should betake themselves to their fists or their cudgels. The presiding Ancient restated the case with particulars, the students argued it, and the president finally gave a decision. At moots both barristers and students attended in larger numbers. It has been suggested that the bar only ran some way across the Hall. The students

sat behind it, and so had the name of inner barristers. Stretching to right and left beyond the bar were the full-fledged Fellows, hence called utter or outer barristers.

Brief mention must be made of the old chambers. A set was composed of two studies and an inner chamber. These were enclosed in wainscot partitions, and these in turn formed an ante-chamber into which the rooms opened. Each room contained a window to the outside, and windows within gave light to the ante-room, which was used also as a common sleeping apartment. One Bencher or two barristers occupied each set of chambers ; the clerk you imagine was stuck in anywhere. To some classes of men the old Benchers had very strong objections. Attorneys and solicitors were from an early date refused admission, as they still are, though as tenants they to-day occupy about half the Inn. Again there was a prejudice against Irishmen, and when finally admitted they were confined to the set of chambers called the Dove-house ; but, of course, there is no more of such distinctions nowadays. The Black Books are full of many other interesting details, but here we have said enough, and must draw the curtain on those pictures of other times.

V. A WALK ABOUT LINCOLN'S INN AND ITS PRECINCTS

SUPPOSE you are a stranger to London, and come there on a journey of exploration, some things will attract you more than others, according to your individual taste. Few people are, however, without some degree of interest in legal matters, or in literary history, or in the growth of institutions. To all the Inns of Court and their significance must make some appeal. The slow, regular progress of English Constitutional History, and the development of legal institutions, have particular interest for the antiquary and the scholar, whether from England or foreign lands. Our Inns of Court ought to have peculiar fascination for lawyers from the United States. The *American Jurist* some eighty years ago wrote the following well-chosen words, which are as true to-day as they were then: "We think that everything relating to the early history and antiquities of the Inns of Court must be interesting to the profession here. Wherever the common law is studied and practised they must be regarded as the original fountain-head of the law, towards which the true lawyer must feel as a Jew does towards Jerusalem and a Mussulman towards Mecca. We cannot but think that an American lawyer would wander through their courts and

halls and gaze upon their painted windows with a fervour of interest which his English brother long accustomed to them could hardly conceive of, and might smile at as a boyish weakness."

Much has been said in the preceding pages of the past history and customs of Lincoln's Inn. It is the purpose of this chapter to walk through it and direct attention to the chief points of interest from the stranger's point of view. If our stranger is of a learned and enquiring disposition he may possibly wish to give a little preliminary attention to those minor houses from which the Inn originated, and which were so long attached thereto in the closest manner. Thus he will search for Thavie's Inn and Furnival's Inn. Now, if you go eastward along Holborn, you will easily find a street, called St. Andrew's Street, running from Holborn Circus southward towards Blackfriars. At the very beginning of this street on the right-hand side there is a short cul-de-sac duly ticketed Thavie's Inn. It is totally undistinguished, drab and grimy, composed of warehouses and offices, particularly affected by them that deal in chemical compounds. You will notice the brass plates of several solicitors, which is the only connection the place has nowadays with the law. You turn away to seek for Furnival's Inn. This you know stood on the north side of Holborn, between where you now are and Gray's Inn, but you don't find any trace

of it to-day. Its old memories of lawyers, its more recent memories of Dickens, did not preserve it from destruction. As you pass along the thoroughfare, however, you cannot fail to note a huge mass of buildings built of bright red brick, with a fine entrance and a fine court-yard. These are the offices of the Prudential Assurance Company. They occupy the ground where Furnival's Inn once stood. They have not preserved the name ; possibly they are wise in their generation, for the change has been so absolute. Here of old time there was a Hall, of which you can see an engraving in Herbert's *Antiquities of the Inns of Court and Chancery.* It was a quaint though not imposing building, with an interior not unlike Gray's Inn, though by no means so imposing. Herbert's book was published in 1804. He notes that the Hall was dilapidated, and like soon to be pulled down, and that the old chambers near at hand had a " singularly rustic appearance," like the cottages of a country village ! All which is a great change from the pretentious splendour of to-day's Prudential. It is only fair to the old Inn to note, however, that it had a quite imposing front to Holborn, dating from Charles II's time. However, it is all gone, and scarce a tradition remains of those whom the centuries have passed. One trifling legend has survived. As an example you might think of a saying of Bacon's, that

the river of time bears along straws and trifles and lets more solid matter sink out of sight. However, here is the story. In the eighteenth century a certain John Gray was host of a cyder-cellar within the precincts. He prospered considerably, disposed of his cellar to advantage, and retired to the country, there to spend the rest of his days. Alas for the vanity of human wishes ! He hankered after his cyder-cellar and Furnival's Inn so ardently that presently he was back in the metropolis making desperate efforts to repurchase his property. The felicity of possession was denied him, but he was content to become a mere serving-man, where he had once ruled as landlord, and so he continued to the end of his days !

But we must begin our walk through the Inn proper. To-day there are many entrances to the place ; the one you will choose for your present purpose must be the historic gateway in Chancery Lane. You will note the clear-cut date, the arms inscribed above it. You see that the rooms in the towers are still in daily use. On the left is the head porter's lodge. You will also read a notice that the open gates (how stout and firm they still look) are closed at 7 p.m. on week-days, and on Sundays and holidays at 3. You can get in much later by other gates, but this venerable structure refuses to accommodate itself to the newer time. You pass through

to Old Buildings. You ought to pay particular attention to those quaint, old-fashioned houses, for the whole of the Inn was once like this. You easily gather from the abundant names on the doors that they are still in active use. Facing you is the old Hall, once the centre of all the Inn's busy life, but now deserted and abandoned. It is mostly kept locked, but you will get admittance without much difficulty in applying to the under-steward's office in the new buildings, or, best of all, a Bencher's order will act as an Open Sesame to every lock in the Inn. It were superfluous to repeat what has been said already. Inside and out the place looks dilapidated, but you are glad to know that all this is to be seen to presently. You will notice marks of former splendour, the arms of Charles II and princes and nobles who dined here and were enrolled as members of the Inn on the 29th February, 1671. Then at the end there is a picture of Paul before Felix, painted by Hogarth in 1748. Mrs. Jamieson has some not altogether complimentary things to say about this picture, but it will probably strike you as a most vigorous and effective achievement. It is interesting to remember that the purchase price of £200 was gifted by Lord Wyndham, Lord Chancellor of Ireland, to beautify the Hall, and this is how the Benchers excellently spent it. The Chapel is to the right, just adjacent to the Hall. Not-

withstanding the famous painted windows, and other points of interest, the outside you will possibly find more attractive than the interior. You note the crypt underneath but level with the ground and pavemented with the gravestones of the members who were buried there. You learn with surprise that it was once considered an attractive promenade. There is proverbially no accounting for tastes, but it does seem that to walk on graves with the heavy weight of the chapel supported on its massive pillars just over your head could scarcely be conducive to light gaiety. At the north-west end of the Chapel you will notice some marks of damage, as if workmen with chisels had maliciously hacked away at the Chapel walls and the pavement about it. This was the effect of a German bomb which fell here on 13th October, 1915. The Chapel itself had a narrow escape for the bomb just missed it ; it did, however, great damage to the windows, some of it hardly to be repaired. Another bomb struck the ground a little further to the north, in the square formed by Stone Buildings ; you can still note the spot where it struck the ground, and the very evident marks of damage on the adjacent buildings. This was the result of a later raid towards the end of the war. A servant of the Inn was killed in this later raid ; his death was just outside the Inn, towards which he was hurrying.

GATES FROM CHANCERY LANE LINCOLNS INN

Returning to the Chapel you will note to the westward the great mass of the new Hall and Library. You will cross over to them through the garden, which, though it has been laid heavily under contribution for new building sites, is still spacious ; indeed the extent of garden ground and the great size of many of the buildings impress you as giving Lincoln's Inn an air of greater spaciousness and dignity than do the buildings of the other Inns of Court. The massive garden front of Stone Buildings on the garden side you will find most impressive, though you cannot but be too thankful that the scheme once entertained of rebuilding the whole Inn after that model was never carried through. You will not fail to note the William Pitt sundial. In passing from the old Hall to the new, your attention will be caught by a more dignified monument than the marks left by air raids. This is the War Memorial. It takes the form of a seat, or rather platform. A few pregnant Latin words tell how it was erected by the Society to the memory of those Fellows and sons of Fellows who shed their blood for their country during the great contest. From this, by a long flight of steps, you rise to the Hall and Library. These and their wonders you explore at your leisure. As you come away one curious little detail common to the two clocks on the entrance tower of the Hall may excite your curiosity !

The figures are not from one to twelve as is usual, but one is repeated all through the series. It was a whim or idea of the late Lord Grimthorpe, who was a Bencher of the Inn. One wishes that all the fancies of that great iconoclast had been as innocent. From here a very handsome gateway takes you out to Lincoln's Inn Fields. Some acclaim this as now the principal gateway of the Inn, but history and the very fitness of things must rank it as inferior in human interest to the old gateway in Chancery Lane. You will not find it necessary or useful to go in and out of all the gates which are about equal in number to those of Thebes. If you happen to have business in the place you probably enter by Serle's Gate, which, as it is just behind the Law Courts, is most used by practitioners and their clients. At any rate, you will not omit to pace through New Square, to which it gives entrance. You will find it a very fine example of a legal square, made up of suitable offices for solicitors and barristers. You may or may not enter the well-kept garden in the centre, but the captured cannon there reminds of the fact that here were drilled the Inns of Court training corps during the Great War. An inscription tells how twelve thousand passed through its ranks to commissions, that over two thousand were killed, and five thousand wounded.

We have just noted that the new gate leads you

into Lincoln's Inn Fields, a place so connected with Lincoln's Inn and with the law that it will repay a careful visit. Nowadays the whole centre is a pleasant garden under the charge of the London County Council. Some three centuries ago it was waste ground, frequented by all sorts of questionable characters. One story of these times seems to us now almost incredible. In Charles II's days there flourished Lord Chancellor Finch, and also a very eminent thief, Thomas Sadler by name. He and his fellows stole from the house of the Chancellor his mace and his purse, and had the audacity to carry these trophies in burlesque procession through Lincoln's Inn Fields at night. Sadler, of course, represented the Lord Chancellor; a fellow rascal bore the mace on his shoulder, another followed with the great gilt purse, and so they marched off to their lair in Knightrider Street. The insult to the law was too great to be endured. Sadler was promptly seized, and after the necessary preliminaries hanged at Tyburn in March, 1677. Spite of all this, Lincoln's Inn and the Government at Whitehall were obstinately opposed to building in the Fields, but the builders at last had their way, and those spacious and noble houses, of which many still remain, were erected round the place. Here many famous lawyers had their abode—Lord Cowper, Lord Macclesfield, Sir Philip Yorke, afterwards Earl

of Hardwicke, Pitt, Loughborough, Blackstone, "Taffy" Kenyon, the miserly Welsh judge, Erskine and Spencer Perceval. Here, if you are inclined, you can visit the College of Surgeons' Museum, and remember that on the site stood the theatre where the *Beggar's Opera* was first produced, the opera that, to repeat the venerable joke, made Gay rich and Rich gay, an opera which has been revived in our own day with a success that proves how genius may attract different generations. In Portsmouth Street, which runs off the Fields, you will find the quaint little tenement which unblushingly proclaims itself the true and original Curiosity Shop immortalized by Charles Dickens, and you may be original enough to visit Sir John Soane's Museum at No. 13, a house crammed with all manner of delightful and remarkable articles, such a collection of curiosities as must make it a paradise to the cultured collector.

Lincoln's Inn Fields has almost innumerable other points of interest, but our walk has already extended long enough, and we must end it in summary fashion.

VI. SOME WORTHIES OF LINCOLN'S INN

FROM an early period great part of the intellect of the country has been directed to the Inns of Court. Lincoln's Inn has had its full share. Comparisons are proverbially odious ; it is not intended here to vaunt one Inn at the expense of the others, but certain things have powerfully made in favour of Lincoln. It is the Chancery Inn ; there is more money to be made in this branch of the profession, and that has its own force ; also the problems to be solved are more complicated, and to the best legal minds therefore more attractive. Again, the Lord Chancellor is the head of the law ; the seals are the supreme reward and honour of the calling. The great majority of the Chancellors have come from Lincoln's Inn. Take the reign of Victoria for example. She had in all fourteen Lord Chancellors : Lyndhurst, Brougham, Cottenham, Truro, St. Leonards, Cranworth, Chelmsford, Campbell, Westbury, Cairns, Hatherley, Selborne, Halsbury and Herschell. Now of these Truro, who began as a solicitor, was called by the Inner Temple, Chelmsford was of Gray's Inn, Westbury of the Middle Temple, where also Cairns was called, but he migrated to Lincoln's Inn, to which he permanently attached himself. Halsbury came from the Inner Temple ; his career was exceptional, for his early profes-

sional life was spent at the Old Bailey. It was often remarked that the only other Lord Chancellor who had ever emerged from those gloomy precincts was Jeffreys, a very different person. Thus ten of the fourteen were from this House. As the nursery of those who have been official heads of the law Lincoln's Inn is clearly pre-eminent. In our own day we have had from there Lord Russell of Killowen, Sir Frank Lockwood, Lord Macnaghten—to name but these.

It were clearly impossible to attempt even a brief notice of all the giants of Lincoln's Inn. Some names are here picked out, not necessarily the greatest, yet as specially connected with the Inn or for some other reason most illustrative. First must come the noble Sir Thomas More (1453-1530). He had close ancestral connection with the House ; his grandfather in 1464 was butler to the Society ; he rose to be seneschal and steward. In 1470 he was admitted a member, then he was called to the Bar, then to the Bench, and finally became double reader. His son, John More, also began as butler, then was admitted a member, then called in 1503. He was made serjeant-at-law, then judge of the Common Pleas, finally ending as one of the justices of the King's Bench. At that early time all the judges when in London sat in Westminster Hall ; the common law judges on one

side, the equity on the other. A well-known anecdote of Sir Thomas, the Chancellor, tells how each morning, as he went to take his seat in his appointed place in the Hall, he never failed to cross over to his father's court and ask the paternal blessing on the labours of the day. Sir Thomas was the eldest son of the judge ; he was trained as a lad in the household of Cardinal Morton, the famous minister of Henry VII. He began his law studies in 1494 at New Inn. He entered at Lincoln's in 1496 ; then he was reader at Furnival's Inn. He was the intimate friend and close companion for many years of Henry VIII, who finally made him his Lord Chancellor. This was a daring innovation, for no layman had hitherto held that high office, but here as elsewhere in that troubled period, Henry's stubborn will was the supreme law ; Acts of Parliament merely expressed it in legal language. More early divined truly the character of his royal master. He said that to win a castle in France Henry would not have hesitated to sacrifice the life of the man who was his intimate friend. In 1497 More became acquainted with Erasmus. They were congenial spirits : they worked together for the advancement of the new learning, and even for Church reform, only that reform must be from within, for More especially was strongly opposed to the reformers, whom he regarded as heretics. From first to

last he was a devout Catholic. He wore a hair shirt, led an austere life, observed all the rites of his Church, yet his house at Chelsea was a centre of culture, the home of wit and learning. His relations with his family and dependants were of the happiest description. His eldest daughter, Margaret, was married to one William, of the Roper family of Canterbury. More was much attached to his son-in-law. Roper repaid and enshrined their friendship in an exquisite biography, which remains to-day one of the choice monuments of English literature. It need scarcely be said that his Inn bestowed on More all the honours it had to give. In due course he was made Bencher, Reader, Double-Reader, and so forth. These things would seem to a Lord Chancellor but small matters. He did not hold his high office very long. He was appointed on 25th October, 1529, and after two and a half years he insisted on resigning. He strongly disapproved of Henry's proceedings in the matter of the divorce from Queen Catherine, and in the conduct of the proceedings that led to the separation of England from what had hitherto been held to be the one and only Catholic Church. He was universally regarded in his own time as an upright and able judge in civil matters ; he was easy of access, painstaking in his methods, inflexible in his determinations. When he was being led to

execution in after years a woman in the throng reviled him bitterly for a judgment he had given against her. He calmly replied that he remembered the case perfectly well, and were he called upon to decide the matter again he would do so in the same manner. Part of his duty, as he conceived it, was the stamping out of heresy, and for his heresy prosecutions he has been attacked as a merciless bigot. The simple answer is that he considered heresy the greatest of all crimes, and so only did what he conceived to be his duty. Toleration was not considered by that age as a virtue or a duty by any sect or party, yet here is a strange paradox. In his famous *Utopia*, or picture of an ideal state, More had lauded this virtue, which then nobody practised. The inhabitants of Utopia were permitted to think as they thought best on religious matters, and their practice was to conform to their thoughts. Perhaps More would have explained that *Utopia* was a mere dream, and that in practical life things had to be decided otherwise, yet the fact remains. A curious parallel may be found in the case of a much inferior man. The Scotch Lord Advocate, Sir George Mackenzie, the bloody Mackenzie of Covenanting legend and tradition, also lauded in his writings the virtues of toleration, but he was in fact a cruel persecutor. Men's views and acts had, it would seem, not changed in the

course of the succeeding century and a half. More's lambent wit, which flashed out so strangely in the prison and on the scaffold, was not altogether absent from his judgments. An old-time attorney named Tubbe had filed a petition to More as Chancellor. It was promptly and decisively rejected. More wrote on it (you fancy his humorous smile !), "This is the tale of a—then followed the signature—Tubbe !"

More had two years of happy quiet life at Chelsea in the pleasant house he had built for himself. Then the end came swiftly. Henry had not forgotten him. He was summoned to Lambeth, before the Commission then sitting. As the boat rowed him across from Chelsea he thanked God that the battle was won ! His hearers soon understood what he meant ; he had determined to resist to the death. He refused to take the oaths that acknowledged Henry supreme head on earth of the Church of England, and to make other like affirmations. Then there was the trial for treason, the inevitable condemnation, More's dignified and pathetic farewell to his judges, his conveyance to the Tower —at the steps whereof the faithful Margaret Roper broke through the guard to throw her arms about More's neck, only able to murmur, "My father, oh, my father !" The last scene on the scaffold has been described too often by famous pens to find repetition here, yet one famous

phrase must be repeated. More was clean shaven, as was the fashion of the time in his profession and calling, but in the Tower he had allowed his beard to grow. It came to be somewhat long, and as the executioner raised the axe More moved it carefully aside. "Pity this should be cut," he muttered; "*it* has not committed treason," on which strange words, as Froude adds, the most eloquent lips in Europe closed for ever.

His Inn has preserved no special memories of More. It holds no tradition as to where his chambers were. They may have been in one of those quaint old houses that still remain near the Chancery Lane gateway; they must have been in a somewhat similar building. To-day a passage from Carey Street to New Square commemorates his name. The Inn has three portraits of him; one is a copy of a work by Hans Holbein, who painted the More family on numerous occasions, and there is also a sketch by Holbein of the judge, More's father; likewise there are two engravings of the great Chancellor, which will be interesting to compare. More's wit, it may be said in conclusion, did not spare his own profession. *Utopia* had few laws and no lawyers!

One passes over a century and a half to light upon the name of a most worthy son of the Inn. This is Sir Matthew Hale, who rose to be Chief

Justice of the King's Bench. Of him the Inn possesses an oil painting by J. M. Wright; he is robed, and perhaps you have seen his portrait at the Guildhall among those of the other judges who did good service in settling disputed questions as to boundaries and rights of property after the Great Fire had thrown all such matters into utter confusion. Hale's date is 1609-1676. He was of Magdalen College, Oxford, and at first was not attracted by legal matters, though these became afterwards the passion of his life, so that for some years after his admission to the Inn in 1628 he read sixteen hours every day. He was befriended by Noy, the Attorney-General; his friends, possibly envious, mocked him with the name of Young Noy. He was also an associate of the learned Selden. He advised Strafford, and was counsel for Laud on his trial. Also he was anxious to assist Charles, but as the King refused to acknowledge the validity of the court that tried him, there was no room for his services. Thus he was a Loyalist, though not a bigoted one, for he accepted office from Cromwell, by whom he was made a Judge of the Common Pleas; but he refused to acknowledge Richard, albeit he was a member of his own Inn. He did a good deal to bring about the restoration of Charles II, though, with his usual reasonable moderation, he tried to get Charles bound by conditions which would limit the royal power,

but the enthusiastic loyalty of the moment would have no reservations. In the unanimous opinion of his contemporaries he was a judge "whom for his integrity, learning and law, hardly any age, either before or since, could parallel." Even he, however, was not exempt from the follies of his generation. Thus when Lord Chief Baron of the Exchequer in March, 1665, he presided at the Assizes of Bury St. Edmunds over the trial of two widows, Cullender and Duny, who were indicted for witchcraft, there were the usual marvels solemnly narrated by a string of witnesses, but a discordant note was struck; the age was becoming sceptical, and certain people in court, chief among them Mr. Serjeant Keeling, a famous lawyer of the time, "seemed much unsatisfied." The learned serjeant, no doubt as *amicus curiæ*, made some scathing remarks on the evidence; also "a person of great knowledge," one Dr. Browne, of Norwich (no other, alas! than the Sir Thomas Browne of the *Religio Medici*), made a very learned if confusing dissertation on witchcraft in general, with some curious details as to a late great discovery of witches in Denmark, which no whit advanced the matter. However, the trial proceeded; the judge summed up with what was lauded as a most impartial charge. He assumed the fact of witchcraft undeniable. There was clear scriptural evidence for it, he

said, but were the prisoners guilty? The jury speedily returned that they were, "the judge and all the court were fully satisfied with their verdict," so judgment and execution followed as a matter of course. Hale was made Chief Justice of the King's Bench in 1776, but died on Christmas day following. His kind, benevolent face attracts you in his portrait. According to his lights he was always just. His life was full of acts of kindness; he was universally lamented. Spite of the errors of his time his life will always command respect. Cowper ventures to rank him as "immortal." Certainly no worthier name is to be found in the annals of the Inn. By his will he left valuable manuscripts and books to the Library, where they are still religiously preserved.

The odd bizarre figure of William Prynne (1600-1669) demands notice, if only as contrast to more stately or decorous folk. He was called to the Inn in 1628, and there studied law, theology and antiquities with equal ardour. He became in due course barrister, bencher and double reader. He was held in the highest esteem by his fellow members, and in turn was devoted to his mother house. His career in life, however, was far from smooth or fortunate. A famous Puritan divine of the day, Dr. John Preston to wit, was made preacher to the Society in 1622. He is supposed to have indoctrinated

Prynne with his extreme views ; at any rate, the latter was soon known for his fulminations against various Cavalier practices, as lovelocks, ornate dress, and so forth. His famous *Histriomastix*, a bitter attack on plays and players, was published in November, 1632. It was supposed to reflect on the King and Queen. He was had up before the Star Chamber ; he was fined, imprisoned, expelled from Lincoln's Inn, and his ears were cropped in the pillory. Nothing could subdue Prynne. He continued to pour forth pamphlets curiously compounded of rank abuse and recondite learning. For this his ears, or what remained of them, were again cropped, and he was branded on the cheek with the letters S L for seditious libeller. Laud and he were bitter enemies. In the time of the Long Parliament his fortunes took a turn ; the sentences were annulled, and he was compensated for his sufferings. In his own way he was an enthusiastic Royalist, was strongly opposed to Cromwell, who came in for much abuse in the endless stream of pamphlets. He strenuously supported the Restoration, though when that came about the Government was at its wits' end to know what to do with him, till Charles himself solved the difficulty with happy humour, " Let him amuse himself with writing against the Catholics and poring over the records in the Tower." So he was made Keeper of the

Records, with the quite respectable remuneration of £500 a year. The new Keeper was supremely happy. According to Marchmont Needham, he was "one of the greatest paper worms that ever crept about a library." He did excellent work, however; he may be taken as the first of that long line of able scholars who have done so much to supply the raw materials from our Records for use by our historians. He left his MS. to the Library, and in his chambers in the Inn, for he was never married, he spent the years of his life. Aubrey gives a quaint picture of his daily round: "About every three hours his man used to bring him a roll and a pot of ale to refocillate his wasted spirits." Thus refreshed, he kept on his incessant scrutiny; he finished up the day with supper in Hall. As Bencher he had, no doubt, better than ordinary fare. Even death did not sever him from his beloved Inn; he was buried beneath one of those flat stones you still see in the crypt under the Chapel.

How easy it were to add other worthy names to the list of honour; let these given be taken as sample! Living men are excluded, though their eminence might well entitle them to mention. So here we bring to a close our memoirs of Lincoln's Inn.

FRANCIS WATT

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